

**RULES OF THE
SUPERIOR COURT
OF CALIFORNIA
COUNTY OF
SAN LUIS OBISPO**

Effective January 1, 2004

San Luis Obispo Superior Court

TABLE OF CONTENTS

CHAPTER 1 COURT RULES ADMINISTRATION

Rule	
1.00	Adoption and Amendment of Rules..... 1
1.01	Establishment of Court Policies & Procedures..... 1
1.02	Publication and Printing Rules..... 1
1.03	Name of Court (Amended 7/1/02)..... 1
1.04	Construction and Application of Rules (Amended 7/1/02) 1
1.05	Amendment and Repeal of Rules 2
1.06	Compliance, Sanctions (Amended 7/1/02) 2

CHAPTER 2 COURT ORGANIZATION AND PERSONNEL

Rule	
2.00	Meetings of Judges (Amended 7/1/02)..... 2
2.01	Presiding Judge and Assistant Presiding Judge (Amended 7/1/02) 3
2.02	Court Commissioner& Juvenile Referee 4
2.03	Court Locations..... 4
2.04	Court Administration (Amended 7/1/02)..... 4
2.05	Court Personnel 5
2.06	Court Employment Conflict of Interest Code (Amended 7/1/02)..... 5
2.07	Gifts (Eff.1/1/99)..... 5
2.08	Court Security and Conduct (Amended 1/1/04)..... 8

CHAPTER 3 COURT CALENDARS AND DISTRIBUTION OF COURT BUSINESS

Rule	
3.00	Distribution of Business by Presiding Judge (Amended 7/1/02)..... 8
3.01	Assignment of Cases (Repealed 7/1/02)..... 8
3.02	Judges= Submission List (Amended 1/1/04)..... 8
3.03	Court Calendars (Amended 7/1/03) 9

CHAPTER 4 COURT PLEADINGS, FORMS AND DOCUMENTS FORMAT

Rule	
4.00	Organization (Amended 7/1/02) 9
4.01	Substitution of Party in Pro Per 9
4.02	Conformed Copies (Amended 7/1/02) 9
4.03	Pleadings & Records in an Eminent Domain Action Involving More than one Parcel of Property Conformed Copies (Eff. 7/1/02)..... 10

San Luis Obispo Superior Court

CHAPTER 5 COURT FILES AND EXHIBITS

Rule		
5.00	Exhibits (Amended 7/1/03).....	10
5.01	Entry of Court Order in Minutes (Amended 7/1/02).....	11
5.02	Court Records (Amended 7/1/02).....	11
5.03	Priority Filing System (Amended 7/1/02)	12
5.05	Removal of Exhibits (Amended 7/1/02).....	12
5.06	Removal of Files (Amended 7/1/02).....	12

CHAPTER 6 BONDS AND UNDERTAKINGS (Repealed 7/1/03)

CHAPTER 7 CIVIL (LAW AND MOTION) HEARINGS PROCEDURES

Rule		
7.00	California Rules of Court (Amended 7/1/03).....	13
7.01	Demurrer/Motion to Strike	13
7.02	Filing Papers (Amended 7/1/03)	13
7.03	Points and Authorities (Eff. 1/1/98).....	13
7.04	Handling and Return of Exhibits (Amended 7/1/02)	13
7.05	Incomplete Motions (Amended 7/1/02)	13
7.06	Continuances (Amended 7/1/03).....	14
7.07	Restoration to Calendar	14
7.08	Evidence (Amended 7/1/02).....	14
7.09	Lengthy Hearing (Repealed 7/1/03).....	14
7.10	Discovery (Amended 7/1/02)	14
7.11	Consolidation (Repealed 7/1/01)	14
7.12	Withdrawal of Attorney (Repealed 7/1/03).....	14
7.13	Telephonic Appearances (Amended 7/1/03)	14
7.14	Summary Judgment/Summary Adjudication of Issues (Repealed 7/1/01).....	16
7.15	Failure to Comply (Amended 7/01/03)	16
7.16	Administrative Mandamus Procedures (Amended 7/1/02).....	16
7.17	Reporting of Proceedings (Amended 7/1/02).....	17
7.18	Default Settings (Amended 7/1/03).....	17
7.19	Orders After Hearing (Amended 7/1/02).....	17
7.20	Notice of Ruling (Amended 7/1/02)	17

CHAPTER 8 MANDATORY CIVIL SETTLEMENT CONFERENCES (Repealed 7/1/02)

CHAPTER 9 CIVIL TRIAL CALENDAR POLICIES AND PROCEDURES

Rule		
9.00	Case Management and Disposition Policies (Amended 7/1/03).....	17
9.01	Case Exempt from Civil Case Management (Amended 7/1/02)	18
9.02	Uninsured Motorist Cases (Amended 7/1/03).....	18
9.03	Sanctions for Failure to Comply with Local Rules (Amended 7/1/02).....	18
9.04	Waiver of Rules (Amended 7/1/02).....	19

San Luis Obispo Superior Court

9.05	Law and Motion (Amended 7/1/02).....	19
9.06	Prelitigation Mediation (Reserved)	19
9.07	Mediation (Amended 7/1/02).....	19
9.08	Judicial Arbitration (Amended 7/1/03).....	20
9.09	Settlements (Amended 7/1/02)	20
9.10	Civil Case Management Policy (Repealed 7/1/01).....	20
9.11	Forms to be Issued by the Clerk When the Complaint is Filed (Amended 7/1/02)	20
9.12	Service of Summons and Complaint (Amended 7/1/02)	20
9.13	Cases Transferred from Other Jurisdictions (Amended 7/1/03).....	21
9.14	Responsive Pleadings (Amended 7/1/02).....	21
9.15	Status/ADR Assessment/Trial Setting Conference (Amended 1/1/04).....	21
9.16	Settlement Conference (Repealed 7/1/01)	22
9.17	Pretrial Procedures and Requirements (Repealed & Renumbered 7/1/01)	22
9.18	Case Evaluation Factors for Case Management Plans (Amended 7/1/02)	22
9.19	Limited Civil Cases (Amended 7/1/02).....	23
9.20	Declaration of Uninsured Motorist Status (Repealed 7/1/01).....	23
9.21	Alternative Dispute Resolution (Repealed 7/1/01)	23
9.22	Exemption From Delay Reduction Program (Repealed 7/1/01)	23
9.23	Trial Setting Conference (Repealed 7/1/01).....	23
9.24	Differential Case Management Rules (Amended 7/1/02)	23
9.25	Case Processing Time Standards (Repealed 7/1/01)	24
9.26	Continuance Policy (Amended 7/1/02).....	24
9.27	Venue of Civil Proceedings (Eff. 7/1/02)	24
9.28	Small Claims Proceedings (Amended 1/1/04).....	24
9.29	Mandatory Mediation (Repealed 7/1/01).....	25

CHAPTER 10 PROCEDURAL RULES CRIMINAL AND TRAFFIC

Rule		
10.00	Filing Criminal Complaints and Citations (Amended 7/1/02).....	25
10.01	Bail (Amended 7/1/03)	26
10.02	Arrest and Search Warrants (Amended 7/1/02)	27
10.03	Calendaring Criminal Proceedings (Amended 7/1/02).....	27
10.05	Calendaring Events: Misdemeanors (Eff. 7/1/02)	28
10.06	Calendar Events: Felonies (Amended 7/1/02)	29
10.07	Law and Motion Proceedings (Amended 7/1/02)	31
10.08	Continuance Policy (Amended 7/1/01)	32
10.09	Photographing or Recording Court Proceedings (Amended 7/1/02)	33
10.10	Trials (Amended 7/1/02)	34
10.11	Sentencing (Amended 7/1/02).....	34
10.12	Traffic and Illegal Parking (Amended 7/1/02)	35
10.13	Time Standards (Amended 7/1/02).....	36
10.14	Trial by Declaration (Amended 7/1/02)	36
10.15	Counter Arraignments (Amended 7/1/01).....	36
10.16	Application for Writ of Habeas Corpus or Coram Nobis (Amended 7/1/02).....	37

CHAPTER 11 CIVIL (PROBATE) RULES

Rule		
11.101	Applicability of Rules to all Proceedings (Amended 7/1/02).....	37
11.102	Addresses and Telephone Numbers (Amended 7/1/02).....	37

San Luis Obispo Superior Court

11.103	Probate Calendar and Appearances by Counsel (Amended 7/1/02).....	38
11.104	Time for Filing, Settings, and Filing Fees (Amended 7/1/02).....	38
11.105	Form of papers Presented for Filing (Amended 7/1/02).....	38
11.106	Hearing Date Required on Documents (Amended 7/1/02).....	38
11.107	Signing and Verification of Pleadings (Amended 7/1/02).....	38
11.108	Amendments to and Amended Pleadings (Amended 7/1/02).....	39
11.109	Preapproved Matters (Amended 7/1/02)	39
11.110	Continuances (Amended 7/1/02).....	39
11.111	Contested Matters (Amended 7/1/02).....	40
11.112	Law and Motion Procedures (Eff. 7/1/00)	40
11.201	Preparation of Notices (Amended 7/1/02).....	40
11.202	Additional Notice	40
11.203	Notice: By Whom Given (Amended 7/1/02).....	40
11.204	Notice by Publication of Notice of Petition to Administer Estate (7/1/02).....	40
11.205	Notice by Posting	40
11.301	Declination to Serve (Amended 7/1/02).....	41
11.302	Multiple Representatives (Amended 7/1/02)	41
11.303	Individuals to be Named in the Petition (Eff. 7/1/00)	41
11.304	Copy of Will to be Attached to Petition for Probate (Eff. 7/1/00)	41
11.305	Proof of Will (Eff. 7/1/00)	41
11.306	Bond (Amended 7/1/02)	42
11.307	Form Required for Appointment of Personal Representative (Eff. 7/1/00)	42
11.308	Petition for Appointment of Special Administrator (Amended 7/1/02).....	42
11.309	Ancillary Probate (Eff. 7/1/00).....	43
11.401	Petition for Ex Parte Order	43
11.402	Petition for Instructions	43
11.403	Family Allowance (Amended 7/1/02)	43
11.404	Petition for Distribution Entitlement (Amended 7/1/02).....	44
11.501	Preparation of Orders (Amended 7/1/02)	44
11.502	Wording (Amended 7/1/02).....	44
11.503	Continuing Payments - Time Limit (Amended 7/1/02)	44
11.504	Orders Correcting Clerical Errors (Amended 7/1/02)	44
11.505	Order Prescribing or Dispensing with Notice	45
11.601	Inventory and Appraisal - Period to File	45
11.602	Statement Regarding - Bond on Inventory and Appraisal	45
11.603	Guide for Preparation of Inventory and Appraisal	45
11.604	Property Tax Certification	45
11.701	Notice to Creditors	46
11.702	Form of Claim	46
11.703	Required Action	46
11.704	Listing of Creditors= Claims	46
11.801	Sale or Encumbrance of Specifically Devised	46
11.802	Appraisal of Real Property Within One Year	46
11.803	Published Notice of Intention to Sell Real Property	46
11.804	Description of Property	47
11.805	Exclusive Right to Sell Real Property	47
11.806	Confirmation of Sale	47
11.807	Presence of Purchaser Named in Petition at Confirmation	47
11.808	Deposit to Accompany Overbid and Overbid Forms	47
11.809	Conditional Sales of Real Property	47
11.810	Sales of Real Property when Buyer Assumes Encumbrance	48

San Luis Obispo Superior Court

11.811	Bond on Sale of Real Property (Amended 7/1/02)	48
11.812	Broker=s Commission on Sale of Real Property	48
11.813	Personal Property - Appraisal Before Sale	48
11.901	Accounts	48
11.902	Trust and Specifically Devised Property	49
11.903	Waiver of Account	49
11.904	Vouchers	49
11.1001	Fees and Commissions in General	49
11.1002	Fees and Commissions in Advance	50
11.1003	Fees and Commissions Decedent=s Estates	50
11.1004	Ordinary Services Compensated by Statutory Fees.....	
11.1005	Extraordinary Fees and Commissions in Estates	50
11.1006	Compensation in Guardianships, Conservatorships and Trust	51
11.1007	One -Fee@ Rule	51
11.1008	Notice to Prior Representative or Attorney	52
11.1009	Reimbursement for Costs Advanced	52
11.1101	Petition or Status Report Required - Filing Time	52
11.1102	Required Allegations in Petition for Preliminary and Final Distribution	52
11.1103	Distribution to Minors	53
11.1104	Distribution to Nonresident Beneficiaries	53
11.1105	Distribution to a Trust	53
11.1106	Distribution to an Assignee	54
11.1107	Distribution Pursuant to Agreement	54
11.1108	Preliminary Distribution - Bond	54
11.1109	Procedure for Obtaining an Order for Final Discharge	54
11.1201	Proceedings to Establish Death	54
11.1301	Petition to Set Aside Under Probate Code Secs. 6600-6613	55
11.1302	Petition Relating to Property Passing or Belonging to Surviving Spouse	55
11.1303	Procedure for Collection of Small Estates	55
11.1401	General	55
11.1402	Notice and Publication Requirement	55
11.1501	Court Jurisdiction 51	
11.1502	Continuing Jurisdiction.....	56
11.1503	Trustees= Accounts	56
11.1504	Beneficiaries to be Listed in Petition	56
11.1505	Notice to Beneficiaries	56
11.1506	Trusts Established Before Decree of Distribution	57
11.1507	Fees of Trustees and Their Attorneys	57
11.1601	Petition for Appointment of Guardian	57
11.1602	Investigation and Report by Court Investigator (Amended 7/1/03).....	58
11.1603	Guide for Guardians	58
11.1604	Support Obligation of Parents	58
11.1701	Petition for Appointment of Conservator.....	58
11.1702	Letters of Conservatorship (Amended 7/1/02)	58
11.1703	Handbook for Conservators	59
11.1704	Competence Determination/Capacity to Give Informed Medical Consent	59
11.1800	Hearing Dates	59

San Luis Obispo Superior Court

11.1801	Private Professional Conservator/Guardian (Amended eff. 7/1/02)	59
11.1802	Appointment of Temporary Guardian or Conservator	60
11.1803	Notice	60
11.1804	Bond/Blocked Account (Amended effective 7/1/02).....	60
11.1805	Inventory and Appraisal	61
11.1806	Accounts	61
11.1807	Report by Court Investigator	61
11.1808	Waiver of Accounting	62
11.1809	Papers to be Delivered to Court Investigator	62
11.1810	Order for Court Investigator=s Fees	62
11.1811	Powers and Investments by Guardian or Conservator	62
11.1812	Final Discharge.....	62
11.1813	Termination of Guardianship or Conservatorship	63
11.1901	Disposition of Minor=s Funds Account (Amended 7/1/02).....	63
11.1902	Request for Withdrawal of Funds (Amended 7/1/02).....	63
11.1903	Withdrawal on Minor Reaching 18 Years of Age	63
11.2001	Settlement of Minor=s Claim (Amended 7/1/02)	64
11.2002	Attorney Fee(Amended 7/1/03)	64
11.2003	Distribution (Amended 7/1/03)	65

CHAPTER 12 JUVENILE CALENDAR PROCEDURES

Rule		
12.00	Designation and Jurisdiction (Amended 7/1/02)	71
12.01	Juvenile Court (Amended 7/1/02).....	71
12.02	Facilities for Detention of Minors (Amended 7/1/02)	71
12.03	Transportation of Minors to Shelter Care Homes, Juvenile Halls, Non-Secure Detention Facilities (Amended 7/1/02).....	72
12.04	Information to be provided by Law Enforcement Officers at Time of Delivery of Minor to Shelter Care Home, Juvenile Hall, Non-secure Detention Facilities (Amended 7/1/02).....	72
12.05	Filing of Petitions & Transfer-Ins with Clerk (Effective 7/1/99).....	72
12.06	Referees (Amended 7/1/02).....	72
12.07	Traffic Hearing Officers (Amended 7/1/02)	72
12.08	Release of Information (Amended 7/1/02)	73
12.09	Calendars (Amended 7/1/02).....	73
12.12	Reports (Amended 7/1/02).....	73
12.13	Motions (Amended 7/1/02)	73

CHAPTER 13 MENTAL HEALTH CALENDAR PROCEDURES

Rule		
13.00	Proceedings (Eff. 1/1/98).....	73
13.01	Jury Trial and Matter Which May be Transferred (Effective 1/1/98)	74
13.02	Involuntary Medication	74

San Luis Obispo Superior Court

CHAPTER 14 APPELLATE CALENDAR PROCEDURES

Rule	
14.00	Sessions 74
14.01	Briefs 75
14.02	Oral Argument 75
14.03	Rule 190 Orders to Show Cause (Eff. 1/1/98) 75
14.04	Settled Statements on Appeal (Eff. 7/1/99) 75
14.05	Writ Jurisdiction (Amended 7/1/02) 75

CHAPTER 15 EX PARTE ORDER PROCEDURES

Rule	
15.00	Application for Ex Parte Order (Amended 7/1/03) 76
15.01	To Whom Presented (Amended 7/1/01) 76
15.03	Filing of Applications and Orders (Eff 1/1/98) 77

CHAPTER 16 JURY SERVICES

Rule	
16.00	Purpose (Eff 1/1/98) 77
16.01	Jury Commissioner 77
16.02	Juror Selection (Amended 1/1/04) 77
16.03	Disqualification, Exemption, Excuse, Deferment of Jurors (Amended 7/1/02) 78
16.05	Panel Selection (Effective 7/1/99) 78
16.06	Term of Service, Trial Juror Per Diem and Mileage Fee (Amended 1/1/04) 79
16.07	Juror Information (Eff. 1/1/98) 79
16.08	Selection of Grand Jurors (Amended 1/1/02) 79
16.09	Jury Districts (Amended 7/1/01) 80

CHAPTER 18 VERBATIM COURT REPORTING SERVICES

Rule	
18.00	Court Reporters (Amended 1/1/04) 80
18.01	Pro Tempore Reporters 81
18.02	Electronic Recording of Court Proceedings 81

CHAPTER 19 FAMILY LAW DEPARTMENT PROCEDURES AND POLICIES

Rule	
19.00	Rules and Manual of Policies and Procedures (Amended 7/1/02) 81
19.01	Court Location (Amended 7/1/02) 82
19.02	Proof of Service 82
19.03	Use of Judicial Council Forms and Double Spacing Requirement (Amended 1/1/04) 82
19.04	Alternative Dispute Resolution.(Amended 7/1/02) 82
19.05	Custody Evaluations (Amended 1/1/04) 82

San Luis Obispo Superior Court

19.06	Family Code 3111 Evaluation (Amended 1/1/04).....	86
19.07	Evidence Code 730 and CCP 2032 Evaluations (Amended 7/1/02).....	86
19.08	Requests for Confidentiality and Sealing Court Records (Amended 7/1/02).....	86
19.09	Cross Examination of Evaluators (Amended 7/1/02)	
19.10	Appointment of Counsel for Minors (Amended 7/1/02).....	86

CHAPTER 20 FAMILY MEDIATION AND INVESTIGATION SERVICES

Rule		
20.00	Matters Regarding Mediation (Repealed 7/1/01).....	87
20.01	Mediation (Repealed 7/1/01)	87
20.02	Setting a Matter for Mediation (Repealed 7/1/01)	87
20.03	Mediation Process (Eff. 1/1/04).....	87

CHAPTER 21 CUSTODY AND VISITATION PROCEEDINGS (Repealed 7/1/01)

CHAPTER 22 TRIAL IN FAMILY LAW AND ACTIONS (Repealed 7/1/01)

CHAPTER 23 DEFAULT OR UNCONTESTED JUDGMENT IN FAMILY LAW ACTIONS (Repealed 7/1/01)

CHAPTER 24 CHILD AND SPOUSAL SUPPORT (Repealed 7/1/01)

CHAPTER 25 COUNSEL SERVICES AND FEES

Rule		
25.00	In a Tort Case Involving Minor, Insane or Incompetent Person (Amended 7/1/02).....	89
25.01	Compromise of Claims (Amended 7/1/02).....	90
25.02	In an Action on a Promissory Note, Contract, Providing for the Payment of Counsel Fees and Foreclosure (Amended 7/1/02)	90
25.03	Court Appointed Counsel and Public Defense Services (Amended 7/1/02)	91
25.04	Unusual Cases Warranting Increased Fees (Amended 7/1/02).....	82

CHAPTER 26 RULES FOR ARBITRATION

Rule		
26.00	Introduction (Amended 7/1/02)	92

San Luis Obispo Superior Court

26.01	Sanctions for Non-Participation	92
26.02	Compensation of Arbitrator (Amended 7/1/02)	92
26.03	Selection of Arbitrator (Amended 7/1/02)	92
26.04	Rules of Arbitration	93

CHAPTER 27 SAN LUIS OBISPO COUNTY TRIAL RULES

Rule		
27.00	Applicability	93
27.01	Jury Instructions (Amended 7/1/02)	93
27.02	Pretrial Procedures and Requirements (Amended 7/1/01)	94
27.03	Motions in Limine, Civil Jury Trials (Amended 7/1/03)	94
27.04	Resetting of Long Cause to Summary Jury Trials (Amended 7/1/02)	94
27.05	Voluntary Summary Jury Trial	95

CHAPTER 28 COURT INTERPRETING SERVICES

Rule		
28.00	Interpreters	95
28.01	Compensation of Court-Appointed Interpreters (Amend 7/1/03)	96

CHAPTER 29 FAX FILING

Rule		
29.01	Authority (Eff. 1/1/98)	96
29.02	Applicability (Eff 7/1/99)	96
29.03	Definitions (Eff 7/1/92)	96
29.04	Compliance with Rules 201 and 501 of California Rules of Court (Eff. 7/1/03)	96
29.05	Signatures (Eff 7/1/92)	97
29.06	Original Exhibits (Eff. 7/1/92)	97
29.07	Fax Filing Agency (Eff 7/1/03)	97
29.08	Facsimile Notation (Eff 7/1/92)	98
29.09	Fax Quality; Plain Paper (Repealed 7/1/03)	98
29.10	No Fax Transmittal to Court (Eff 7/1/92)	98
29.11	Documents not to be Filed by Fax (Eff. 7/1/92)	98

CHAPTER 30 PAYMENT TO THE COURT

Rule		
30.00	Payment in Coins (Eff 7/1/99)	98
30.01	Check Cashing (Eff 7/1/99)	99

San Luis Obispo Superior Court

APPENDIX I

SUPERIOR COURT FEE SCHEDULE.....	100
---	------------

APPENDIX II

LOCAL FORMS.....	102
-------------------------	------------

**CHAPTER 1
COURT RULES ADMINISTRATION**

RULE 1.00

ADOPTION AND AMENDMENT OF RULES

These rules are adopted pursuant to Government Code Section 68070, subject to amendment at any time by a majority of the judges of the court. Except as hereafter provided, they must be effective only to the extent that they do not conflict with California statutes or with the California Rules of Court. Rules previously adopted by this court are hereby repealed by the adoption of these rules.

RULE 1.01

ESTABLISHMENT OF COURT POLICIES AND PROCEDURES

The court may establish policies and procedures relating to all court matters including but not limited to such matters as policy and procedures, probate and trial manuals.

RULE 1.02

PUBLICATION AND PRINTING OF RULES

Upon adoption by the Court, court rules and amendments thereof must be filed with the California Judicial Council and the Clerk of the Court as provided by statute. One copy of all rules and amendments must be provided to the law library of each California county through the auspices of the Judicial Council, and also furnished for publication to the Los Angeles Daily Journal, as the major Southern California legal newspaper. In consideration of the availability of court rules in the Daily Journal court rules service and all law libraries, the Court will not print or further publish such rules for distribution to parties or counsel.

RULE 1.03

NAME OF COURT

This court must be known as the Superior Court of California, County of San Luis Obispo. (Amended 7/1/02)

RULE 1.04

CONSTRUCTION AND APPLICATION OF RULES

(a) These rules are supplementary to and subject to the California Rules of Court. They must be construed and applied so that they do not conflict.

(b) These rules have no retroactive effect.

(c) These rules must be liberally construed to secure the efficient administration of the business of the Court and to promote and facilitate the administration of justice by the Court.

(d) Chapter, Rule and Subdivision Headings do not affect the scope, meaning, or intent of the provisions of these rules.

(e) If any rule is held invalid, all valid parts that are severable from the invalid parts remain in effect. If a rule is held invalid in one or more of its applications, the rule remains in effect in all valid applications that are severable from the invalid applications.

(f) Construction of Terms

As used in these rules, unless the context or subject matter otherwise requires:

(1) ~~"Must"~~ "Must" is mandatory, and "may" is permissive.

(2) The past, present, and future tenses each include the other tenses.

(3) The masculine, feminine, and neuter genders each include the other genders.

(4) The singular and plural numbers each include the other.

(g) Definitions of Words Used in these Rules of Court

(1) The definitions set forth in the California Rules of Court apply with equal force and for all purposes to these rules, unless the context or subject matter otherwise requires.

San Luis Obispo Superior Court

(2) "California Rules of Court" means the rules of court administration, practice, and procedure adopted by the Judicial Council of California.

(3) "County" means the County of San Luis Obispo, State of California.

(4) "Court" means the Superior Court of California, County of San Luis Obispo and includes:

(A) Any judge who is appointed or elected a member of this Court.

(B) While serving this Court, any judge, including a retired judge, who is assigned by the Chairperson of the Judicial Council to serve this court.

(C) Any commissioner or referee who is appointed by the judges of this court.

(D) While serving this court, any retired commissioner who is assigned to serve the court by the presiding judge pursuant to Government Code Section 72190.

(E) While serving this court, any member of the State Bar of California ordered to act as a temporary judge pursuant to Article VI, Section 21, of the California Constitution and Rule 532 of the California Rules of Court.

(5) "Judicial Officer" includes any judge who is appointed or elected a member of this Court and any commissioner or referee who is appointed by the judges of this court.

(6) "Paper" includes all documents, except as otherwise provided in the California Rules of Court.

(7) "Person" includes corporations, associations, public entities, and all other entities, as well as natural persons. (Amended 7/1/02)

RULE 1.05

AMENDMENT AND REPEAL OF RULES

These rules may be amended or repealed, and new rules may be adopted, at a meeting of the judges, provided that written notice of the proposed amended, repealed, or new rules is given to all judges at least seven days before the meeting. Rules may be amended or repealed and new rules may be adopted, by a majority vote of the judges attending and eligible to vote.

RULE 1.06

COMPLIANCE, SANCTIONS

If any counsel, a party represented by counsel, or a party if in pro se, fails to comply with any of the requirements of these rules, the court on motion of a party or on its own motion may strike out all or any part of any pleading of that party, or, dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose other penalties of a lesser nature as otherwise provided by law, and may order that the party or his or her counsel to pay to the moving party the reasonable expenses in making the motion, including reasonable attorney fees. (The court recognizes that if the failure to comply with these rules is the fault of counsel and not of a party, any penalty must be imposed on counsel and must not adversely affect the party's cause of action or defense thereto.) (Amended 7/1/02)

CHAPTER 2

COURT ORGANIZATION AND PERSONNEL

RULE 2.00

MEETINGS OF JUDGES

(a) Annual Meetings

An annual meeting of the judges must be held before or during the first two weeks of November of each year at a time and place to be designated by the presiding judge or a majority of the judges.

(b) Notice Of Meetings: Quorum

Written or verbal notice of meetings must be given, by the secretary of the presiding judge or otherwise, to each judge not less than five days before an annual meeting or 24 hours

San Luis Obispo Superior Court

before a special meeting. A majority of the judges of the court must constitute a quorum for the transaction of court business at a meeting.

(c) Special Meetings

Additional judges meetings must be held at a time and place designated by the presiding judge or a majority of the judges.

(d) Parliamentary Law Applicable to All Meetings

Except as otherwise provided by law, the California Rules of Court, or these rules, the conduct of all meetings of judicial officers and committees of this court must be governed by the most recent edition of Robert's Rules of Order. (Amended 7/1/02)

RULE 2.01

PRESIDING JUDGE AND ASSISTANT PRESIDING JUDGE

(a) Election, Tenure and Removal

At the annual meeting held before or during the first two weeks of the November of an odd calendar year, a majority of the judges appointed to the Court must elect, by secret ballot, a presiding judge and an assistant presiding judge. The presiding judge and assistant presiding judge must each serve for a term of two years commencing on the first day of the next even calendar year (January 1) and ending on the last day of the subsequent odd calendar year (December 31). A presiding judge or assistant presiding judge may be removed from office by a majority of the judges of the Court, voting by secret ballot, at a special meeting.

(b) Selection and Succession

Selection of the presiding judge and assistant presiding judge must be made on the basis of administrative qualifications and interest rather than by rotation or seniority, as provided by Rule 204 of the California Rules of Court. The assistant presiding judge must, subject to the elective process herein provided, be selected with the anticipation that he or she will succeed to the office of presiding judge at some future time. There must, however, be no limitation on the number of successive terms that may be served by presiding judge or assistant presiding judge.

(c) Duties

The presiding judge must perform the duties enumerated in Rule 6.603 of the California rules of Court. In addition, with the concurrence of a majority of the judges and after election, the presiding judge must designate in November of each year the calendar assignments for each judge and court commissioner, for the ensuing calendar year commencing on December 1. The assistant presiding judge must perform such duties as may be assigned from time to time by the presiding judge, and in the absence of the presiding judge must exercise the powers of the presiding judge.

(d) Judicial Schedules

The presiding judge must adopt a process for scheduling judges' vacations and absences from court for attendance at schools, conferences, workshops, or to participate in Judicial Council or other authorized committees or community outreach activities, and must prepare a plan for these vacations and absences from court.

(1) Vacation Defined.

For the purposes of this section and subsection (c) of Rule 6.603 of the California Rules of Court, a day of vacation is defined as any day when a judge schedules a full days absence from the Court with the presiding judge, which is not an absence planned by the presiding judge for attending an authorized education program, conference or workshop for judges, or to participate in Judicial Council or other authorized committees or community outreach activities. Absences from the Court due to illness are not considered vacation time off.

(e) Acting Presiding Judge

In the absence or inability to act of both the presiding judge and assistant presiding judge, the powers of the presiding judge must be exercised by a judge designated by the presiding judge to be the acting presiding judge.

(f) Grand Jury

The presiding judge, or one of the judges designated by the presiding judge, must impanel and have charge of the proceedings of the grand jury and must act as the liaison between

San Luis Obispo Superior Court

the court and the grand jury. All indictments must be presented to the presiding judge or such judge as the presiding judge ~~must~~ may from time to time designate.

(g) Vacancy in Office

(1) [Vacancy of Presiding Judge] If the office of the presiding judge becomes vacant, or the presiding judge, because of disability, is unable to discharge the duties of the office, the assistant presiding judge must succeed to the office of presiding judge for the unexpired term of the presiding judge.

(2) [Vacancy of Assistant Presiding Judge] If the office of assistant presiding judge becomes vacant, the presiding judge must conduct a special election at a meeting of judges of the court to select an interim assistant presiding judge to serve the unexpired term of the assistant presiding judge

(3) If the offices of both the presiding judge and the assistant presiding judge become vacant, the last former presiding judge who is still a member of the court must become the acting presiding judge and must serve as such until the vacant offices are filled by election. The acting presiding judge must conduct a special election to elect a presiding judge and assistant presiding judge to serve the unexpired terms of the presiding judge and assistant presiding judge, respectively. (Amended 1/1/04)

RULE 2.02

COURT COMMISSIONER & JUVENILE REFEREE

The judges of the court may appoint persons as court commissioners pursuant to Government Code section 70141. The judges of the court may appoint persons as juvenile referees pursuant to Welfare and Institutions Code section 247. The duties of such person(s) must be appropriate for subordinate judicial officers and/or as prescribed by statute.

RULE 2.03

COURT LOCATIONS

(a) The Superior Court of California, County of San Luis Obispo will regularly sit at the following court locations:

County Government Center
1050 Monterey Street, San Luis Obispo, CA 93408
214 S. Sixteenth Street, Grover Beach, CA 93433
549 Tenth Street, Paso Robles, CA 93446
Juvenile Services Center, San Luis Obispo

(b) Designation of Headquarters

The San Luis Obispo location will be deemed the headquarters for the administrative purposes. Each location will have concurrent county-wide jurisdiction. In addition, the court may conduct sessions at any appropriate location within the County of San Luis Obispo at the direction of the judge presiding at such hearing.

RULE 2.04

COURT ADMINISTRATION

(a) There must be one employee of the court who must be known as the Court Executive Officer. This officer is also the Clerk of the Court and is responsible for all civil case functions, administrative functions, and criminal case and traffic case functions. This officer is also the Jury Commissioner. There must also be one employee of the court who must be known as the Assistant Court Executive Officer. This officer must be appointed by a majority vote of the judges.

(b) Except as otherwise directed by the presiding judge, the duties of this officer must be as set forth in Rule 207 of the California Rules of Court. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 2.05

COURT PERSONNEL

(a) Definition

All persons appearing on the payroll of the Court as permanent employees must be considered Court personnel and state trial court employees as defined in the Trial Court Employment Protection and Governance Act [Chapter 7 (commencing with Section 71600) of Title 8 of the California Government Code].

1. Judges. Only persons elected or appointed to the office of the Superior Court of California, County of San Luis Obispo shall be considered judicial personnel.

2. Officers. Court commissioners, referees of the juvenile court, traffic referees, court attorneys, and the court executive officer are the officers of the court.

3. Employees. All court personnel who are neither judges of the court nor court officers will be considered court employees.

(b) Conditions of Service

1. All officers and employees of the court must be subject to the Superior Court of California, County of San Luis Obispo, Personnel Rules and Procedures. (Amended 7/1/02)

RULE 2.06

COURT EMPLOYMENT CONFLICT OF INTEREST CODE

(a) Adoption of Code

This rule must constitute the Court's Conflict of Interest Code as required by Government Code Section 87300, and hereby incorporates by reference California Administrative Code, Title 2, Section 18730 ("Standard Code") and any amendments to it.

This court also in adopting the court personnel rules and procedures adopts the conflict of interest provisions set forth in those rules.

(b) Place of Filing Statements of Economic Interest

Pursuant to Section 4(c) of the Standard Code, designated employees must file statement of economic interests with the County Clerk of San Luis Obispo County.

(c) Appendices to the Standard Code

The Court adopts the following appendices to the Standard Code. (Amended 7/1/02)

RULE 2.07

GIFTS

No court employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit that the official actions, decisions, or judgment of any court employee would be influenced thereby. However, employees may accept small gifts when they can be consumed at the work place, are in keeping with the occasion and are made available to all personnel; and employees may accept gifts which are consistent with ordinary social hospitality. (Eff. 1/1/99)

San Luis Obispo Superior Court

APPENDIX I: DESIGNATED EMPLOYEE, CONTRACTOR OR CONSULTANT CLASSIFICATIONS

<u>Position</u>	<u>Disclosure Category</u>
Superior Court Commissioner	1,2
Court Executive Officer	1,2
Assistant Court Executive Officer	1,2
Court Attorney	3
Consultant	1,2
Traffic Referee	1,2

1 The court may determine in writing that a consultant is hired to perform a limited range of duties and that the consultant is not required to comply with broad disclosure requirements. The determination must include a description of the consultant's duties and the extent of disclosure required. The court must file the statement with the clerk. The consultant must comply with all other provisions of this code.

2. Positions include employee, partner, officer, director, trustee, and any other management position.

APPENDIX II:

DISCLOSURE CATEGORIES

Category 1. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report interest in real property located within San Luis Obispo County or within two miles of San Luis Obispo County.

Category 2. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report investments in and income from business entities engaged in the manufacture, sale, lease, or provision of supplies, materials, equipment, real property, and services of the type used by this court within the past two (2) years.

Category 3. Employees, contractors or consultants in designated classifications assigned to this disclosure category must report all investments, sources of income, interests in real property, and positions in business entities as follows: If during a reporting period a designated employee in this category did not participate in, or was not required to disqualify himself or herself from participating in, a case or other assignment in which he or she had a financial interest as defined by Section 87103 of the Government Code, the employee must sign a statement to that effect under penalty of perjury. This statement must be filed as the statement of economic interests required by Section 4(c) of the Standard Code. An employee who disqualified himself or herself from participating in which he or she had a financial interest must disclose the case or assignment and the disqualifying interest and file the statement with the Clerk.

San Luis Obispo Superior Court

RULE 2.08

COURT SECURITY AND CONDUCT

(a) Security

Security in the courtroom will be maintained by the Sheriff of the County of San Luis Obispo.

(b) Weapons

(1) No person, other than a currently employed peace officer or authorized court personnel shall bring any weapon into any courtroom. Authorization for court personnel must be given only by the presiding judge.

(2) No party to a case, including a currently employed peace officer shall possess any weapon in a courtroom.

(3) All persons in possession of a weapon, even if authorized, must disclose such fact to the bailiff of the courtroom before entry and in any event as soon as possible after entry.

(c) Dress

No person ~~shall~~ will appear in court without a shirt, or barefoot or wearing a tank top (or tube top or crop top), shorts or a hat.

(d) Restricted Areas

The following areas of the court premises are reserved for the exclusive use of the court staff:

- (1) **San Luis Obispo** The offices of the clerk of the court
Rooms 220 and 385, chambers, and
adjoining hallway.
- (2) **Grover Beach Branch** The office of the clerk (includes
criminal, civil, small claims) and
chambers.
- (3) **Paso Robles Branch** The office of the clerk (includes
criminal, civil, small claims) and
chambers.
- (4) **Juvenile Services Center** Chambers and Office of the
Clerk of the Court

These described areas are limited to the judiciary and court staff. Members of the public, law enforcement, attorneys and their staff and other individuals are specifically prohibited from entrance into these areas unless directed to enter by a staff member for the purpose of conducting court business. Court staff will be responsible for enforcing these restrictions by requesting anyone other than court staff to leave. Bailiffs of the court are to remove individuals who violate this court order and report violations to the presiding judges. (Amended 1/1/04)

CHAPTER 3

COURT CALENDARS AND DISTRIBUTION OF COURT BUSINESS

RULE 3.00

DISTRIBUTION OF BUSINESS BY PRESIDING JUDGE

The business of the court must be distributed by the presiding judge in accordance with Rules 205 through 208 of the California Rules of Court. (Amended 7/1/02)

RULE 3.01

ASSIGNMENT OF CASES

(Repealed 7/1/02)

RULE 3.02

JUDGES' SUBMISSION LIST

Any judge, ~~whether~~ including visiting, retired or pro tem, having a matter under submission for more than 80 days, including the presiding judge, must handle no further business

San Luis Obispo Superior Court

until such matter is concluded and a decision is filed. This provision ~~must be~~ is mandatory and will be followed without exception unless a majority of the judges specifically authorize otherwise.

The court clerk must maintain a list of all matters submitted for decision by each of the judges or judges pro tem of this court which must contain the name of the judge, the date of the order of submission, and the name and number of the case. This submission list must be revised not less than monthly and must be circulated to each judge. (Amended 1/1/04)

RULE 3.03

COURT CALENDARS

(a) Daily Calendar

The Clerk of the Court will post a daily calendar for all court proceedings at convenient locations at the beginning of each court day.

(b) Civil and Family Law and Motion Calendars

The civil law and motion calendar includes but is not limited to orders to show cause, defaults, demurrers, discovery motions, motions on notice, matters involving receiverships, injunctions, supplemental proceedings and other matters which may be assigned. The family law and motion calendar must include domestic relations matters, custody, support, domestic violence, and all other related matters.

(c) Special Settings

A judicial officer who presides over a calendar that is set for a specific time may set a calendar matter before himself or herself, or before another judicial officer, at such other time as may be set aside by the assigning judicial officer, or to the special set calendar of any other judicial officer. (Amended 7/1/03)

CHAPTER 4.

COURT PLEADINGS, FORMS AND DOCUMENT FORMAT

RULE 4.00

ORGANIZATION

Pleadings, documents, declarations and other papers, must comply with California Rules of Court. (Eff. 1/1/1998) The latest version of applicable printed forms of petitions, orders and other documents approved by the Judicial Council must be used in all cases, unless otherwise permitted or directed by the court. If a form is inadequate for a given circumstance, an addendum may be attached to the form. When no applicable form has been so approved, counsel should draft their own documents. (Amended 7/1/02)

RULE 4.01

SUBSTITUTION OF PARTY IN PRO PER

No substitution of a party in propria persona for an attorney of record representing him, whether by stipulation or order, shall be valid for any purpose unless the address of such party, where he may be served by mail, shall appear in the stipulation or order except as authorized by statutes dealing with the confidentiality requirements of Domestic Violence. See California Rule of Court 315 (b) and 376.

RULE 4.02

CONFORMED COPIES

When counsel requests copies of documents filed to be conformed and returned by mail, such request must be accompanied by a self-addressed and postage prepaid envelope. A maximum of two copies of all documents presented will be conformed. (Amended 7/1/02)

RULE 4.03

PLEADINGS AND RECORDS IN AN EMINENT DOMAIN ACTION INVOLVING MORE THAN ONE PARCEL OF PROPERTY CONFORMED COPIES

(a) Pleadings

In an eminent domain action involving more than one parcel of property, the plaintiff's complaint must set forth, in addition to the matters required by Section 1250.310 of the Code of Civil Procedure, numbers or symbols to identify each of the parcels of the property. A defendant's answer, demurrer, or written appearance must set forth in the space below the number of the case and in parentheses, the parcel numbers or symbols that identify the property claimed by him.

(b) Copy of Pleadings

Within ten days after service of each defendant's pleading, the plaintiff must file a duplicate copy of his complaint, summons, lis pendens, and other pertinent documents. A defendant who claims more than one parcel of property must file a copy of his pleading for each parcel claimed by him. A copy of such pleading must be filed by the Clerk of the Court in the appropriate parcel files.

(c) Register

The Clerk of the Court must include in the register, opposite the name of each defendant, the numbers or symbols that identify the property in which he is alleged to have an interest.

(d) Parcel Files

The Clerk of the Court must file the pleading of each of the defendants in separate file folders following the file folder that contains the original complaint. All the file folders must have the same tab position and bear the number of the action. Following the number of the action, the file folder of each defendant must set forth the parcel numbers or symbols identifying the property claimed by him. Thereafter, all papers pertaining to that property must be filed in that file folder.

(e) Waiver of Requirements

The court may, for good cause shown, order any paper to be filed without a parcel number or symbol. (Amended 7/1/02)

**CHAPTER 5.
COURT FILES AND EXHIBITS**

RULE 5.00

EXHIBITS

(a) Reproduction

All exhibits attached to any pleading or document filed with the Court must comply with California Rules of Court, Sections 201 (b). and 311(b). Wherever the exhibit represents an original writing that has printing, typing, communication or representation on each side of the original, the exhibit should be either single sided or if double sided the back shall be inverted (tumbled).

(b) Foreign Languages

Exhibits written in a foreign language must be accompanied by a verified English translation.

(c) Incorporation by Reference

No pleading shall incorporate pleadings or other documents or portions thereof that are filed in another separate legal action without attaching a copy or setting forth the pertinent portion in the pleading that incorporates it.

(d) Pagination

Exhibits with multiple pages must be paginated unless paginated in the original.

(e) Tabs

The first page of each exhibit must be marked with a tab that protrudes from the page, at the bottom.

San Luis Obispo Superior Court

(f) Depositions, Interrogatories or Transcripts

Copies and/or portions of depositions, interrogatories or transcripts must not be filed or received except as provided for in Rules 7.03 and 7.04.

(g) Court Discretion

The court, in its discretion, may disregard any exhibit that does not comply with the above.

(h) Criminal Case Exhibits

Pursuant to section 1417.3 of the Penal Code, if an exhibit by its nature is severable and upon court order, the clerk must retain a portion of the exhibit not to exceed 3 lbs. by weight or 1 cubic foot by volume and return the balance of the exhibit to the district attorney or counsel offering the same. The clerk must substitute a full and complete photographic record of any exhibit or part of any exhibit which is returned to counsel. The party to whom the exhibit is being returned must provide the photographic record.

Whenever feasible, photographs, technical reports or identical dummy objects must be used in lieu of the original. All controlled substances received in evidence must be clearly labeled as to the type and amount of substance, preferably with the analyst's report on the outside of the envelope.

Exhibits, toxic by their nature, that pose a health hazard to humans must be introduced to the court in the form of a photographic record, if possible. Where the court finds that good cause exists to depart from this procedure, toxic exhibits may be brought into the courtroom and introduced. However, following introduction of the exhibit, the person previously in possession of the exhibit must take the responsibility for it and the court ~~must~~ is not required to store the exhibit. (Amended 1/1/2004)

Toxic exhibits ~~must be~~ are defined to include, but are not ~~be~~ limited to the following: (Amended 1/1/2004)

- (1) Any container containing a flammable liquid such as gasoline, kerosene, lighter fluid, paint thinner, ethyl, ether, etc.
- (2) Any type of explosive powder.
- (3) Any explosive chemical such as a toluene, ethane, etc.
- (4) Any explosive device such as a pipe bomb, hand grenade, etc.
- (5) Any flammable device such as a Molotov cocktail.
- (6) Any canister containing tear gas, mace, etc.
- (7) Any corrosive liquid.
- (8) Any rags soaked with any flammable liquid which are still damp or wet.
- (9) Dry P.C.P. in other than an airtight plastic bag.
- (10) Any liquid P.C.P. (Eff. 1/1/1998)

RULE 5.01

ENTRY OF COURT ORDER IN MINUTES

In matters within the jurisdiction of the superior court the Clerk of the Court must keep minutes of court orders and must place a copy of each minute order in the court's file of actions in chronological order in lieu of a minute book as provided in Government Code Section 69844.7. Prior to the destruction of such records, the Clerk of the Court must cause a microfilmed copy thereof to be made as part of the permanent records of the court. (Amended 7/1/02)

RULE 5.02

COURT RECORDS

(a) Removal of Papers

No papers shall be removed from the files or replaced therein except by the Clerk of the Court. The Clerk of the Court must not deliver any papers filed except for purposes of inspection

San Luis Obispo Superior Court

in the office of the Clerk of the Court, to the possession of any person other than an attache of the court unless so ordered by the court.

(b) Return of Exhibits

Except as otherwise provided herein no exhibits shall be released from the possession of the Clerk of the Court except on order of the court and the giving of a receipt therefor. (Amended 7/1/02)

RULE 5.03

PRIORITY FILING SYSTEM

It must be the duty of counsel, in all documents presented for filing as part of the official Court file, to indicate the date and time of any pending court trial or hearing to which the documents may be pertinent, or to specify that there is no hearing date or trial date set, directly below the caption describing the nature of the document.

When filing a proof of service that pertains to a particular hearing date, a face sheet must be attached that shows the department, hearing date and time.

The Clerk of the Court must process court filings on a priority basis, insuring that all documents are properly entered and filed in the appropriate court file with all due promptness following receipt. The Clerk of the Court must further give all necessary processing priority to documents with pending court trial or hearing dates, insuring that documents reach the court file prior to delivery of the file to the court for hearing, or as soon thereafter as is reasonably possible in consideration of the date of receipt. (Amended 7/1/02)

RULE 5.05

REMOVAL OF EXHIBITS

By order of a judge, commissioner, juvenile court referee or juvenile court traffic hearing officer of this court, any exhibit may be returned by the court clerk to the witness or party by whom it was produced after the substitution of a photostatic copy therefor; provided, however, that such order may dispense with such substitution in the case of an original record, paper or object taken from the custody of a public officer which is being returned to such officer, or in the case of an exhibit used only in making proof against a party whose default has been entered, or when a photostatic copy is impracticable, in which case a receipt must be given, or when a written stipulation of all the parties consenting thereto is filed. (Amended 7/1/02)

RULE 5.06

REMOVAL OF FILES

No files shall be removed from the possession of the clerk unless permitted by order of the court. All files in the courtroom must remain in the possession of the clerk unless ordered by the court. (Amended 7/1/02)

CHAPTER 6 BONDS AND UNDERTAKINGS

RULE 6.00

ENDORSEMENT BY CLERK

(Repealed 7/1/03)

**CHAPTER 7
CIVIL (LAW AND MOTION) HEARINGS PROCEDURES**

RULE 7.00

CALIFORNIA RULES OF COURT

The provisions of California Rules of Court, are expressly applicable to law and motion practice in the Superior Court of California, County of San Luis Obispo. Particular attention should be paid to the mandatory time requirements of Rules 317(a), 317(b) 323(a), 325(b), 325(e), 325(g), 326, 351(a), 1901, 359, 373(a), 373(b), 373(c), 373(d), and 377. (Amended 7/1/03)

RULE 7.01

DEMURRER/MOTION TO STRIKE

The face sheet must show the date of filing of the Complaint or Cross-Complaint to which it is directed, to enable to Court to find it in a multi-volume file. See California rule of Court 325, subd. (a) and (c).

RULE 7.02

FILING PAPERS

Failure to comply with Rule 311, subd. (b) may result in the paper reaching Legal Research too late for consideration. (Amended 7/1/03)

RULE 7.03

POINTS AND AUTHORITIES

See California Rule of Court 313. (Eff. 1/1/98)

RULE 7.04

HANDLING AND RETURN OF EXHIBITS

Depositions and exhibit packages prepared pursuant to Rule 7.03, above, will be received and retained without filing by the clerk of the court. Counsel submitting such documents must indicate in the caption or on the face page if they are to be returned or in the alternative destroyed when the motion has been resolved. Counsel submitting such documents must include a postage prepaid self-addressed envelope with which to return the exhibits.

After resolution of the motion, all exhibits so retained must be returned by the clerk to the party submitting them or destroyed if a postage prepaid self-addressed envelope was not provided. If the motion was resolved after opposition, the clerk must hold the documents for the applicable period within which a party may request review of the court's ruling, not to exceed sixty-one (61) days. If review is sought, the clerk must further retain such documents until the review process has concluded.

Any party to the motion proceeding may orally move the court at time of the hearing to file the exhibits, or any of them, and, upon a showing of good cause, such motion will be granted. (Amended 7/1/02)

RULE 7.05

INCOMPLETE MOTIONS

No motion, demurrer or petition will be heard unless accompanied by the papers upon which it is made or unless such papers have previously been filed and are so identified in the moving document. Every such matter filed without any supporting papers and which is based on declarations, affidavits and points and authorities to be filed after the initial notice is filed may be summarily placed off calendar. The moving party may not file any subsequent supporting papers which contain new facts or arguments; however, moving party may file papers which rebut the opposition, in compliance with California Rule of Court 317(a). (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 7.06

CONTINUANCES

(a) The Court Attorney receives all of the law and motion files for calendared matters approximately seven (7) days preceding the hearing date. The Court Attorney must be notified by telephone as soon as possible when a matter is to be continued or placed off calendar in order to avoid unnecessary review. (Amended 7/1/03)

(b) Requests to continue or place a matter off calendar should be directed to the clerk's office.

(c) All continuance or off-calendar requests must be made by the moving party, and must be with the agreement of the opposing party. A stipulation for a continuance must be filed prior to the continued date. A "Notice of Continuance," not signed by both parties, has no effect. A non-stipulated continuance will be granted only on noticed motion, made on an order shortening time.

(d) A Notice of Continuance of a Law and Motion matter must be filed more than two (2) court days prior to the scheduled hearing. After that time, leave of the judge presiding in the Law and Motion department must be obtained in order for any continuance to occur. Absent such leave, the matter will be heard and decided or ordered off calendar at the time scheduled for the hearing.

RULE 7.07

RESTORATION TO CALENDAR

A law and motion matter that has gone off calendar may be restored thereto only upon noticed motion except in an extraordinary situation to be determined by the court in its discretion.

RULE 7.08

EVIDENCE

All evidence in a law and motion matter must be presented by verified pleadings, affidavits and declarations unless the court, on notice and for good cause shown, shall order the taking of oral evidence; in which case, the matter may be specially set for hearing by the clerk. CCP Section 2002. California Rule of Court 323. (Amended 7/1/02)

RULE 7.09

LENGTHY HEARING

(Repealed 7/1/03)

RULE 7.10

DISCOVERY

Discovery motions must be governed by Part 2 of Chapter 4 of Division II, California Rules of Court, commencing with Rule 331. (Amended 7/1/02)

RULE 7.11

CONSOLIDATION

(Repealed 7/1/01)

RULE 7.12

WITHDRAWAL OF ATTORNEY

(Repealed 7/1/03)

RULE 7.13

TELEPHONIC APPEARANCES

A. Program Overview

San Luis Obispo Superior Court

1. The CourtCall Telephonic Appearance Program (“CourtCall”) organizes a procedure for telephonic appearance by attorneys as a reasonable alternative to personal appearances in appropriate cases and situations. CourtCall is fully voluntary and no attorney is required to utilize CourtCall. Rather, CourtCall is available at a reasonable fixed fee to use when circumstances are appropriate.

2. Designated courts conduct hearings on calendar in the usual manner, with the only difference being that hearing order preference is given to cases with CourtCall Appearances, unless the court exercises its discretion to call cases in a different order.

3. Hearings are conducted in open court or in private as the Court may designate. All attorneys making CourtCall Appearances call a designated toll free teleconference number a few minutes before the calendar is scheduled, to check in with the clerk. Attorneys remain on the court’s speaker phone-telephone line and hear the same business that those present in the court may be hearing. Attorneys not participating telephonically appear in person. The court calls cases for hearing. All attorneys on a case participate in the hearing. All present in the courtroom hear the discourse of those making CourtCall Appearances.

4. CourtCall Appearances are scheduled, in writing, in advance, by counsel serving on all other counsel and pro-se parties and delivering (via fax, mail, or personal delivery) to CourtCall, LLC, not less than five (5) court days prior to the hearing date, a Request for CourtCall Appearance form and by paying the stated fee for each CourtCall appearance.

B. Participation in CourtCall Appearances

1. Courts

(a) Judges and Commissioners may volunteer to participate in CourtCall. Each participating court must give calendar hearing order preference to cases which include attorneys making CourtCall appearances, except under unusual circumstances as determined by the court.

(b) Subject to the court’s right to amend this list, the following matters are currently deemed unsuitable for CourtCall appearances.

1. Judgment Debtor Examinations
2. Mandatory Settlement Conferences;
3. Hearings at which oral testimony may be presented;
4. Hearings in which oral argument is anticipated to exceed

15 minutes.

(c) The court reserves the right, at any time, to reject any Request for CourtCall appearance. When the court rejects a request, it must order a refund of deposited telephonic appearances fees and notify CourtCall, LLC.

(d) The court shall also reserve the right to halt the telephonic hearing on any matter and order the attorneys to personally appear at a later date and time, in which case no refund is permitted.

(e) If a matter is continued prior to the actual hearing date the prior filing of a Request for CourtCall appearance form must remain valid for the continued date of the hearing.

(f) Existing rules and procedures regarding the making of the record by a court reporter or electronic device or obtaining a transcript after the hearing must apply to hearings at which CourtCall appearances are made. No recordings may be made or telephonic appearances except in compliance with California Rule of Court 980.

2. Attorneys

(a) Attorneys electing to make a CourtCall appearance must serve on all other parties in the case the Request for CourtCall appearance form, fax a copy of the form to CourtCall, LLC and pay the CourtCall appearance fee in the method prescribed, not less than five court days before the hearing date.

(b) When the Request for CourtCall appearance is made at the same time as the filing of the hearing document or response, in addition to the Request for CourtCall appearance form, the words “CourtCall Appearance Requested” must be printed below the department, date, and time of the hearing on the first page of the papers filed with the court.

C. Appearance Procedure

1. An attorney making a CourtCall appearance must:
 - a. Eliminate to the greatest extent possible all ambient noise from the attorney's location;
 - b. Be required, during the attorney's appearance, to speak directly into the telephone handset;
 - c. Not call in with cellular or cordless telephone devices or through a personal computer.
2. An attorney making a CourtCall appearance must call the court's designated toll free teleconference line approximately 5 minutes prior to the scheduled hearing time and check in with the clerk. An attorney calling after the check-in period must be considered to be late for the hearing and must be treated by the Court in the same manner as if the attorney had personally appeared late for the hearing.
3. An attorney appearing telephonically must state his or her name for the record each time the attorney speaks and must participate in the appearance with the same degree of courtesy and courtroom etiquette as is required for a personal appearance. An attorney must not utilize the "hold" button, as it is not within the policy of the Court to wait for an attorney to rejoin the line. (Amended 7/1/03)

RULE 7.14

SUMMARY JUDGMENT/SUMMARY ADJUDICATION OF ISSUES

(Repealed 7/1/01; See CRC 342)

RULE 7.15

FAILURE TO COMPLY WITH CHAPTER 7 RULES

Pursuant to the provision of California Code of Civil Procedure Section 575.2 and the rule making authority of this court, in the event that any attorney, or any party represented by counsel or any party appearing in propria persona fails to comply with any of the requirements of Chapter 7 or any order made pursuant to the rules set forth therein, the court may, upon motion of another party or upon its own motion, do any one or more of the following:

1. Strike out all or any part of any pleading of that party;
2. Dismiss the action or proceeding or any part thereof;
3. Enter a judgment by default against that party;
4. Impose other penalties of a lesser nature as otherwise provided by law;
5. Order attorney fees and/or costs incurred by other parties unnecessarily as a result of the failure of the party or his or her attorney to comply with these rules to be paid by the party and or his or her attorney;
6. Order that party or his or her attorney to pay the moving party the reasonable expenses in making the motion, including reasonable attorney fees.
7. Order that party or his or her attorney to pay to the court the reasonable expenses of the court.
8. No penalty will be imposed without prior notice to and opportunity to be heard by the party against whom the penalty is sought to be imposed. (Amended 7/1/03)

RULE 7.16

ADMINISTRATIVE MANDAMUS PROCEDURES

Unless the administrative record is lodged in compliance with California Rules of Court, rule 347, the scheduled hearing in a case brought under Code of Civil Procedure, section 1094.5, will be ordered off calendar. The pages of the administrative record must be numbered consecutively. Any references to the administrative record in either the supporting or opposing points and authorities must include an appropriate reference to a specific page or pages of the record. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 7.17

REPORTING OF PROCEEDINGS

(a) The court does not provide for regular reporting of hearings on motions on the civil law and motion calendar.

(b) Any party requesting the reporting of a law and motion hearing must make a telephone request to the supervising court reporter no earlier than 48 hours nor later than 24 hours prior to the hearing date. Certified Shorthand Reporters' fees of \$112.50 for a minimum one-half day appearance must be paid to the The Jury Commissioner's Office prior to the reporting of the hearing. Said fees may be apportioned by stipulation of counsel. Government Code section 68086(A)(1). (Amended 7/1/02)

RULE 7.18

DEFAULT SETTINGS

When a default hearing is required for judgment, such as where service is by publication or attorneys fees are sought pursuant to contract, such hearing must be requested using the local form, *CVDF0001*. (Amended 7/1/03)

RULE 7.19

ORDERS AFTER HEARING

Except as noted in Rule 7.12, all orders must be submitted to the civil division, Room 385, after the hearing. The date, time and department must be in the caption of the order. Orders must be in compliance with the California Rules of Court, Rule 391. The judge's name must appear below the signature line and at least two lines of text must be on the signature page. (Amended 7/1/21)

RULE 7.20

NOTICE OF RULING

A conformed copy of the order must not be attached as an exhibit to any notice of ruling filed with the court. (Amended 7/1/02)

CHAPTER 8

MANDATORY CIVIL SETTLEMENT CONFERENCES

RULE 8.00

PERSONS REQUIRED TO ATTEND AND PARTICIPATE

(Repealed 7/1/02)

RULE 8.01

MANDATORY SETTLEMENT CONFERENCE

(Repealed 7/1/02)

RULE 8.03

SANCTIONS

(Repealed 7/1/02)

CHAPTER 9

CIVIL TRIAL CALENDAR POLICIES AND PROCEDURES

RULE 9.00

CASE MANAGEMENT AND DISPOSITION POLICIES

(a) In accordance with Government Code Section 68607, it is the policy of the court to manage all cases from the time the complaint is filed until a final disposition has been achieved.

San Luis Obispo Superior Court

It is the policy of the court to assign civil cases to one judge for all purposes at the time the complaint ~~of~~ or first pleading is filed. It is also the policy of the court to promote early dispositions through alternative dispute resolution techniques. (Amended. 7/1/03)

(b) It is the policy of this court to follow the case-disposition goals set forth in Sections 2.1 and 2.3 of the Standards of Judicial Administration. All cases will be assigned to one of the following case management plans based upon the factors set forth in these rules:

1. Plan 1: 90% of all cases must be disposed of within 12 months from the date the complaint is filed;

2. Plan 2: 98% of all cases must be disposed of within 18 months from the date the complaint is filed; and

3. Plan 3: 100% of all cases must be disposed of within 24 months from the date the complaint is filed.

(c) Continuances: It is the policy of this court that when a matter has been calendared, the date may not be changed without a showing of good cause. Court hearings and appearances are appointments with the court and may not be changed without the consent of the judicial officer assigned to manage the case. Continuances of law and motion matters must be managed by the court attorneys. The court clerk is not authorized to continue a matter or take off calendar, except by direction of the judicial officer assigned to the case.

(d) Modifications: Nothing in these rules shall be interpreted to prevent the court from issuing an order modifying the application of the above policies if the interest of justice require the modification. (Amended 7/1/03)

RULE 9.01

CASE EXEMPT FROM CIVIL CASE MANAGEMENT

These rules shall not apply to proceedings as defined in CRC 207(b). (Amended 7/1/02)

RULE 9.02

UNINSURED MOTORIST CASES

A. Temporary Exemption From Fast Track: When plaintiff's counsel determines that the defendant is an uninsured motorist and that an uninsured motorist claim will be made against the plaintiff's insurer, a declaration captioned "Request for Temporary Exemption - Uninsured Motorist Case" must be filed which sets forth the following:

1. A statement that the plaintiff has uninsured motorist's coverage;

2. The name of the insurer and the limits of the coverage; and

3. A statement that counsel believes that the limits of coverage are adequate to compensate for known losses or damage, that plaintiff will promptly pursue the remedies provided by the insurance contract and that it is counsel's intention to assign the claim to the insurer or dismiss the pending action upon conclusion of the uninsured motorist claim.

B. Resolution Required Within One Year: In any case designated as an Uninsured Motorist case, the plaintiff and the plaintiff's insurer must settle or arbitrate the dispute. The case must be calendared for a Status Conference 180 days after the designation. (Amended. 7/1/03)

RULE 9.03

SANCTIONS FOR FAILURE TO COMPLY WITH LOCAL RULES

A. Except for good cause shown, sanctions may be imposed upon any person who:

1. Fails to comply with any local rule or order of the court, other than a prior order to pay sanctions; or

2. Fails to submit any form or report required by the court; or

3. Fails to appear at any case management conference or any other scheduled event; or court-ordered arbitration.

B. Sanctions may include, but are not limited to, payment of monetary sanctions to the court, payment of the opposing party's reasonable expenses and attorney's fees, dismissal of the action or striking an answer and entering a default. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 9.04

WAIVER OF RULES

(A) No procedure or deadline established by these rules or by court order may be waived or extended by stipulation or agreement of the parties unless the waiver or extension is permitted by Government Code section 68616 or by the court.

(B) Any party may seek relief from any procedure or deadline imposed by these rules or court order by filing a noticed motion describing the relief sought and the facts upon which the application is based. The motion must be supported by appropriate declarations showing the factual basis for the motion and that injustice to a party will result if the relief is not granted. (Amended 7/1/02)

RULE 9.05

LAW AND MOTION

A. Unless otherwise ordered, all noticed or ex-parte motions must be presented to the judge to whom the case has been assigned for all purposes.

B. The court attorneys will receive all law and motion matters approximately seven days preceding the hearing date. To avoid wasting the time of the court attorneys, the court must be notified as soon as possible if a law and motion matter is to be continued or placed off calendar.

C. Any request to continue a law and motion matter must be made by the moving party with the agreement of the opposing party. The court may, in its discretion, grant or deny the parties' request to continue a law and motion matter. (Amended 7/1/02)

RULE 9.06

PRELITIGATION MEDIATION (Reserved)

RULE 9.07

MEDIATION

A. The court may, where appropriate, order the parties to participate in mediation before a neutral mediator appointed or approved by the court. Evidence Code sections 1115 et seq. shall govern the proceedings.

1. Mediators must be selected by the parties from a list of mediators provided by the court.

2. Within 20 days from the date the court orders mediation, the plaintiff must file a Notice of Mediation in the form annexed to these Rules.

3. Within 10 days from the date the mediation has been completed, the mediator must file a Report of Mediator in the form annexed to these Rules.

4. The mediator's fees must be divided equally by the parties, or as the parties may agree.

B. The following persons are required to attend court-ordered mediation:

1. The parties;

2. The parties attorneys;

3. The insurer's representatives who have authority to settle for any amount up to the limits of the policy;

4. Any other persons whose consent or authority is necessary to resolve the disputed issues.

There shall be no exceptions to these requirements. Access by telephone is not compliance with these orders.

C. The mediation or early settlement conference must be concluded within the time set by the court at the first Case Management Conference. The mediation may be continued one time by agreement of the parties and the mediator without court order provided:

1. The continuance is for no more than 20 days from the date the mediation was originally scheduled;

San Luis Obispo Superior Court

2. All parties and the mediator agree on the new date;
 3. The party requesting the continuance serves and files a declaration under penalty or perjury stating that all parties have agreed to the continuance and the reasons for the continuance;
 4. The reasons for the continuance comply with the standards for good cause set forth in Section 9 of the Standards for Judicial Administration. The desire to conduct further discovery must not generally constitute good cause absent special circumstances.
- D.** The parties must comply with the directives of the neutral mediator in regard to briefing and the payment of fees and costs. When the mediator is a judicial officer of the court, a mediation brief must be presented no later than five (5) court days in advance of the mediation; it must be on pleading paper and not exceed four (4) pages, without exhibits.
- E.** The parties may request mediation at any stage of the proceedings. Such requests should be directed to the judge assigned for all purposes. (Amended 7/1/02)

RULE 9.08

JUDICIAL ARBITRATION

- A.** The court may order the parties to participate in non-binding judicial arbitration before a neutral arbitrator appointed by the court. Matters referred to non-binding judicial arbitration must be conducted in the manner set forth in California Rules of Court 1600 et seq.
- B.** The Court does not have an administrative committee. The Presiding Judge, per Rule 1603(c), performs the functions and has the power of an administrative committee. (Amended 7/1/03)

RULE 9.09

SETTLEMENTS

- (A) Binding Arbitration:** When the parties stipulate to binding arbitration, the case must be dismissed. The court will reserve personal and subject matter jurisdiction to enforce the terms of the arbitration agreement and to enter a judgment confirming the arbitration award. (Amended 7/1/02)

RULE 9.10

CIVIL CASE MANAGEMENT POLICY

(Repealed 7/1/01)

RULE 9.11

FORMS TO BE ISSUED BY THE CLERK WHEN THE COMPLAINT IS FILED

- A.** The Clerk must provide the following forms to the plaintiff when the complaint or initial pleading is filed:
1. Civil Case Management Policy Statement
 2. Case Management Conference
 3. Case Management Statement
 4. ADR Policy Statement
- B.** The clerk must assign the case to a judge for all purposes and must calendar a Case Management Conference approximately 140 days later. (Amended 7/1/02)

RULE 9.12

SERVICE OF SUMMONS AND COMPLAINT

- A.** The plaintiff must serve the Summons and Complaint on all defendants within 60 days. The following documents must be attached to the complaint or served at the same time the complaint is served:
1. Civil Case Management Policy Statement;
 2. Notice of Case Management Conference;
 3. A blank Case Management Statement; and
 4. The court's ADR Policy Statement.

San Luis Obispo Superior Court

B. A Proof of Service must be filed with the court within ten days after the complaint is served on any defendant unless a responsive pleading has been filed.

C. The following documents must be attached to and served with any cross complaint that names new parties:

1. Civil Case Management Policy Statement;
2. Notice of Case Management Conference;
3. A blank Case Management Statement; and
4. ADR Policy Statement. (Amended 7/1/02)

RULE 9.13

CASES TRANSFERRED FROM OTHER JURISDICTIONS

A. Upon receipt of the file, the Clerk must assign the case to a judge for all purposes and must provide the plaintiff with a copy of the court's Civil Case Management Policy Statement, a Notice of Case Management Conference, a Case Management Statement, and the court's ADR Policy Statement.

B. Upon receipt of the documents listed in 9.13A, the plaintiff must serve a copy of each document upon each other party to the action. Plaintiff must file a certificate that the documents were served on each defendant within 10 days of receipt of the documents from the clerk.

C. A Case Management Conference will be set within 45 days from the filing of the action in this court. (Amended 7/1/03)

RULE 9.14

RESPONSIVE PLEADINGS

A. Each party served must file and serve responsive pleadings within the time required by law. The parties may stipulate to an extension of not more than fifteen days beyond the date the response would otherwise be due.

B. Entry of Default.

1. Plaintiff is required within ten days after the time for filing a responsive pleading to request the entry of a non-responding party's default.

2. Default hearings and judgments need not be pursued in multi-defendant cases until the entire action against all responding defendants has concluded.

3. Parties may set aside a default by filing a stipulation and proposed order. An answer or other responsive pleading must be attached to the stipulation. (Amended 7/1/02)

RULE 9.15

~~**STATUS/ADR ASSESSMENT/TRIAL SETTING CONFERENCE**~~ **CASE MANAGEMENT CONFERENCE**

A. The parties must confer in regard to case management issues no later than 30 days prior to the Case Management Conference (CRC 512).

B. Each party must file and serve a completed Case Management Statement fifteen days before the first Case Management Conference. If the questionnaire is filed less than fifteen days before the conference, a sanction will be imposed (CRC 212).

C. Counsel must confer with their clients in regard to ADR prior to the conference. Counsel must be able to represent to the court whether mediation and/or arbitration is acceptable to their clients.

D. At the first Case Management Conference, the court must assign the case to a case management plan by applying the factors listed in Rule 9.18. The court must also make other pretrial orders to facilitate the cost-effective resolution of the case. The orders may include the following:

1. Defendants and cross defendants, other than fictitiously-named defendants, who have not been served or appeared may be dismissed unless their default has been requested. The court for good cause may permit service of such defendants or cross defendants by a date certain.

San Luis Obispo Superior Court

2. It is the policy of the court to encourage and facilitate mediation of litigated disputes by trained and experienced neutral mediators. The court must make orders on stipulations to mediation by an approved mediator. The order must identify the mediator and the time within which the mediation must be completed. A second Case Management Conference may be set to review the result of the mediation.

3. The court must make orders on stipulations to binding arbitration or non-binding judicial arbitration. The court order must identify the arbitrator and the time within which the arbitration must be completed. A second Case Management Conference may be set to review the result of the arbitration.

4. The court must consider bifurcating or severing issues or causes of action and consolidating related cases.

5. The court must consider establishing a discovery plan that regulates the scope, timing and deadlines for completing discovery.

6. The court may make orders scheduling the exchange of information relating to expert witnesses under C.C.P. § 2034 and dispositions of expert witnesses unless the parties stipulate that no expert witnesses will be called to testify. The court will closely examine any claim that multiple experts are required.

7. The court may make orders scheduling the completion of law and motion matters contemplated by the parties. The trial date will not be adjusted to accommodate law and motion matters.

8. The court may make orders scheduling further Case Management Conferences.

E. Counsel who appear at the first Case Management Conference must be familiar with the case and must be prepared to discuss case management issues. Counsel must have authority to agree to and select a mediator or arbitrator from the list of neutral mediators and arbitrators approved by the court. Counsel who fail to attend the case management conferences must be subject to one or more of the sanctions outlined in Rule 9.03.

F. A trial date may be assigned at either the first or the second Case Management Conference. The date will be in the 12th month following the date the complaint was filed. A date for a mandatory settlement conference will also be set in the 11th month following the date the complaint was filed. (Amended 1/1/04)

RULE 9.16

SETTLEMENT CONFERENCE

(Repealed 7/1/01)

RULE 9.17

PRETRIAL PROCEDURES AND REQUIREMENTS

(Repealed and Renumbered as 27.02 Effective 7/1/01)

RULE 9.18

CASE EVALUATION FACTORS FOR CASE MANAGEMENT PLANS

The court must estimate the maximum time that will reasonably be required to dispose of each case in a just and effective manner. The court may reclassify the case to be a "Limited Jurisdiction Civil Case" and order the case managed under the rules applicable to such cases. The court must consider the following factors, and any other information the court deems relevant, understanding that no one factor or set of factors shall be controlling and that cases may have unique characteristics incapable of precise definition:

1. Type and subject matter of the action;
2. Number of causes of action or affirmative defenses alleged;
3. Number of parties with separate interests;
4. Number of cross complaints and the subject matter;
5. Complexity of issues, including issues of first impression;

San Luis Obispo Superior Court

6. Difficulty in identifying locating and serving parties;
7. Nature and extent of discovery anticipated;
8. Number and location of percipient and expert witnesses;
9. Estimated length of the trial;
10. Likelihood that some or all issues can be mediated or arbitrated;
11. Statutory priority for the issues;
12. Likelihood of review by writ or appeal;
13. Amount in controversy and the type of remedy sought;
14. Pendency of other actions or proceedings which may affect the case;
15. Nature and extent of the law and motion proceedings anticipated;
16. Nature and extent of the injuries and damages;
17. Pendency of underinsured motorist claims;
18. Any other factor that could affect the timely and cost-effective disposition of the case. (Amended 7/1/02)

RULE 9.19

LIMITED CIVIL CASES

- A. Limited civil cases filed in branch courts must be assigned for all purposes to the judge assigned to the branch court.
- B. Court trials of limited civil cases must be held in the branch courts.
- C. Jury trials of limited civil cases must be reassigned for trial in San Luis Obispo.
- D. Limited civil cases must be generally managed in the manner set forth in these rules. Either party may request that the matter be set for trial at any time during the pendency of the action. (Amended 7/1/02)

RULE 9.20

DECLARATION OF UNINSURED MOTORIST STATUS

(Repealed 7/1/01)

RULE 9.21

ALTERNATIVE DISPUTE RESOLUTION

(Repealed 7/1/01)

RULE 9.22

EXEMPTION FROM DELAY REDUCTION PROGRAM

(Repealed 7/1/01)

RULE 9.23

TRIAL SETTING CONFERENCE

(Repealed 7/1/01)

RULE 9.24

DIFFERENTIAL CASE MANAGEMENT RULES

(a) As required by California Rule of Court 206, the following differential case management rules must apply. Disposition under the following case-management plans must be from the date of filing: (Amended 7/1/02)

- (1) Plan One, disposition within 12 months;
- (2) Plan Two, disposition within 18 months;
- (3) Plan Three, disposition within 24 months.

It is presumed that all cases are subject to the disposition goal under case-management Plan One when the case is filed. The Court may modify the assigned case-management plan at any time for good cause shown.

(b) The court may in the interest of justice exempt a general civil case from the case-disposition time goals if it finds the case to be complex within the meaning of California Rules

San Luis Obispo Superior Court

of Court 1800 et. seq. and that exceptional circumstances are involved that will prevent the court and the parties from meeting the goals and deadlines imposed by the program. (Amended 7/1/02)

RULE 9.25

CASE PROCESSING TIME STANDARDS

(Repealed 7/1/01)

RULE 9.26

CONTINUANCE POLICY

Change of trial date must be requested at least ten (10) calendar days before trial by written notice of motion filed with the court and served upon all parties to the action. No change of trial date before or during trial in civil cases shall be granted except upon affirmative showing of good cause. If the motion is granted, notification of the new trial date will be sent to all parties. Civil trial dates are subject to change by the court at any time. (Amended 7/1/02)

RULE 9.27

VENUE OF CIVIL PROCEEDINGS

Limited jurisdiction civil cases may be filed at any court location other than the Juvenile Services Center. The case must be assigned for all purposes to a judge sitting in a branch court, or to a judge sitting in the courthouse in San Luis Obispo, on the following basis:

1. The case must be assigned to a judge sitting in the branch court or the San Luis Obispo Courthouse at the locations as set forth below, based on place within the jury district that encompasses a defendant's residence or principal place of business.

San Luis Obispo Courthouse: San Luis Obispo, Avila Beach, Cayucos,,Los Osos, Morro Bay, and unincorporated areas in between.

Grover Beach Branch: Grover Beach, Arroyo Grande, Nipomo, Oceano, Pismo Beach, and unincorporated areas south of the Ontario Grade.

Paso Robles Branch: Paso Robles, Atascadero, Cambria, Santa Margarita, Templeton, and unincorporated areas north of the Cuesta Grade.

2. If the defendant's residence or principal place of business is outside the County of San Luis Obispo, then the case must be assigned to a judge by using the principles set forth in sections 392 through 395 of the California Code of Civil Procedure. The term ~~"jury district"~~ "location" must be substituted for "county," "city and county" or "judicial district" where those terms are used in the statutes.

The first pleading filed in a limited civil action must contain an allegation that establishes the proper venue of the action.

If a party demands a jury trial in a case assigned to a judge sitting in a branch court, the case must be transferred to a judge sitting in the courthouse in San Luis Obispo. Court trials of limited jurisdiction civil cases assigned to a judge sitting in a branch court must be handled in the branch courts.

Unlimited jurisdiction civil cases may be filed at any court location other than the Juvenile Services Center. The case must be assigned for all purposes to a judge sitting in the courthouse in San Luis Obispo.

The court to which any action has been assigned may be changed upon a showing of good cause or upon the court's own motion. (Amended 1/1/04)

RULE 9.28

SMALL CLAIMS PROCEEDINGS

(a) Venue

(1) An action in small claims is to be filed and heard at the location set forth below, based on the defendant's residence or principal place of business, unless otherwise ordered by the court.

San Luis Obispo Courthouse: San Luis Obispo, Avila Beach, Cayucos, Los Osos, Morro Bay, and unincorporated areas in between.

San Luis Obispo Superior Court

Grover Beach Branch: Grover Beach, Arroyo Grande, Nipomo, Oceano, Pismo Beach, and unincorporated areas south of the Ontario Grade.

Paso Robles Branch: Paso Robles, Atascadero, Cambria, Santa Margarita, Templeton, and unincorporated areas north of the Cuesta Grade.

(2) If the defendant's residence or principal place of business is outside the County of San Luis Obispo, then the case must be assigned to a judge by using the principles set forth in sections 392 through 395 of the California Code of Civil Procedure. The term "location" must be substituted for "county," "city and county" or "judicial district" where those terms are used in the statutes.

~~(e)~~ **(b) Costs**

Costs for personal service are in the discretion of judicial officer if the plaintiff has not first unsuccessfully attempted service by certified mail.

~~(b)~~ **(c) Continuances**

Continuances of small claims proceedings will be granted by the court only if the request is in writing, is made at least ten (10) calendar days before trial and/or upon a showing of good cause.

~~(a)~~ **(d) Post Judgment Motions**

(1) The court will schedule all small claims post judgment hearings not less than ten (10) calendar days after the filing of the proper papers.

(2) Post judgment hearings will be calendared at the same time as small claims cases are heard. (Amended 1/1/04)

RULE 9.29

MANDATORY MEDIATION

(Repealed 7/1/01)

CHAPTER 10 PROCEDURAL RULES CRIMINAL AND TRAFFIC

RULE 10.00

FILING CRIMINAL COMPLAINTS AND CITATIONS

(a) Filing

All criminal complaints, informations, and citations filed in the Superior Court of California, County of San Luis Obispo must comply with the Court Filing Procedures.

(b) Authorized Filing Agencies

All criminal complaints, except for violations of the law authorized to be filed by a law enforcement agency in the Superior Court Filing Procedures, may be filed only by the District Attorney of San Luis Obispo County, the California Attorney General or by a City Attorney for any city within the County of San Luis Obispo.

(c) Location of Filing Complaints

All criminal complaints may be filed at any court location but must contain in the heading the name of the proper court location as specified in Rule 204(a).

(d) Location of Filing Citations

All citations must be filed at the court location in the jury district in which the offense is alleged to have occurred.

(e) Documents Necessary to File Complaint

When a criminal complaint is filed, in addition to the original complaint, the filing agency must file one copy of all material (such as police reports) which constituted the basis for requesting a complaint for each defendant. If the District Attorney is not the filing agency an additional copy of the complaint and all reports must be filed for that agency.

(f) Time of Filing

All criminal complaints charging in-custody defendants must be filed with the Clerk of the Court at the San Luis Obispo Court location not later than 4:00 p.m. of the day before the defendant is to appear. All criminal complaints charging defendants not in custody must be filed

San Luis Obispo Superior Court

not later than 48 hours prior to the defendant's appearance. Upon a showing of good cause a later filing time may be authorized by a Judge of this Court.

(g) Amended Complaints

(1) Before Arraignment. An amended complaint may be filed, without leave of court, any time prior to arraignment.

(2) After Arraignment. An amended complaint may only be filed after a motion to amend has been granted. (Amended 7/1/02)

RULE 10.01

BAIL

(a) Requests for Increase or Reduction

When bail has been set by a Judge out of Court, all subsequent out-of-court requests for an increase or reduction of bail must be made to the judge who set such bail.

(b) More than One Request

Any person requesting a reduction or increase in bail must disclose all other applications for an increase or reduction.

(c) Notice to District Attorney

(1) No applications may be made without prior notification to the District Attorney to allow a representative to be present.

(2) When a request for bail or OR is made after normal court hours the requesting party must contact the "on-call" deputy district attorney to determine his or her recommendation. The "on-call" deputy district attorney will notify the requesting party of the bail recommendation and furnish a phone number where the party can contact the deputy district attorney to discuss the recommendation.

(d) Relief From Forfeiture

A surety, surety insurer, bail agent, or a depositor of money or property may bring a motion to vacate a forfeiture and exonerate a bond pursuant to the provisions of Penal Code section 1305, subdivision (i). The motion shall be filed within 180 days of the date of forfeiture, or if notice of forfeiture was sent by mail, then within 185 days of the date of forfeiture.

(1) Form of Motion

A motion filed pursuant to this provision and the provisions of Penal Code section 1305 shall be in the form required by California Rules of Court, Rule 312, or, in the alternative, may be brought by way of a properly completed Court approved form entitled Notice Requesting Discharge of Forfeiture and Exoneration of Bond, which may be obtained through the clerk of the San Luis Obispo Superior Court, Criminal Division. Unless the grounds for relief from forfeiture are those provided for in Penal Code section 1305, subdivisions (c)(1) or (2), the motion or notice requesting discharge shall be supported by proper affidavit(s).

(2) Hearing Procedure

The motion or notice requesting discharge of forfeiture shall be considered by the assigned judge in chambers and may be calendared as provided for in paragraph (3) of this rule. Except as otherwise provided in paragraph (3), no appearance is required by the moving party or the prosecuting agency.

(3) Notice Requirements

If, after review of the motion or notice requesting discharge of forfeiture and the supporting affidavits, the Court believes that discharge of forfeiture and exoneration of the bond is not warranted, the Court will calendar the matter for hearing and the Clerk of the Court shall provide 10 days prior notice to the prosecuting agency.

(4) Assessment of Costs

(A) The Court shall assess the sum of \$100.00 as a condition to exoneration of bail in all cases (said sum representing the Court's costs in processing the forfeiture and other matters related to the defendant's failure to appear).

(B) Where applicable the following assessments shall be made when a defendant has been transported back to San Luis Obispo County at public expense (said sums representing the

San Luis Obispo Superior Court

actual costs of returning the defendant to custody, in accordance with the Penal Code section 1306):

- (1) Los Angeles County Sheriff's bus service shall be assessed at \$26.00;
- (2) Security Air Transport Air Service shall be assessed at \$226.00;
- (3) Other transportation costs shall be assessed at actual cost.

(e) Extensions of Time

A surety, surety insurer, bail agent, or a depositor of money or property may bring a motion to extend the 180-day relief from forfeiture period provided for in Penal Code section 1305. The motion shall be filed within 180 days of the date of forfeiture, or if notice of forfeiture was sent by mail, then within 185 days of the date of forfeiture. The motion shall be supported by proper affidavit(s) showing "good cause" for the extension. The matter shall be calendared for hearing within 30 days from the expiration of the 180 day period, conditioned upon the moving party providing 10 days prior notice to the prosecuting agency.

(e) Source of Bail -- PC 1275 -- Procedure

When a Source of Bail Order pursuant to Penal Code Section 1275 has been signed by a judge in a case, the following procedure must be followed by the defendant in calendaring the matter for hearing to show that "no portion of the consideration, pledge, security, deposit, or indemnification paid, given, made, or promised for its execution was feloniously obtained:"

(1) Declarations and Proof Required

The Request for Hearing must be accompanied by a declaration or offer of proof setting forth the following:

- (A) The bail bondsman,
- (B) The source of the bond premium, including name and address of person(s) proposing to pay said premium, and
- (C) The source of the security or pledge, including the name and address of the owner, and description of the property.

(2) Time for Filing

The declaration or offer of proof must be filed and personally served on the District Attorney not later than three court days before the hearing; for example, for a hearing on Friday at 8:30 a.m., the declaration or offer of proof must be served and filed by Tuesday at 5:00 p.m.

(3) Persons Required at Hearing

At the hearing the defendant must produce the bail bondsman, the person proposing to pay the premium, and the person proposing to provide the security for examination and cross-examination. (Amended 7/1/03)

RULE 10.02

ARREST AND SEARCH WARRANTS

All requests for arrest and search warrants must be presented to the District Attorney's Office for review prior to being presented to a judge and must be approved by a deputy district attorney who has reviewed and approved the request. (Amended 7/1/02)

RULE 10.03

CALENDARING CRIMINAL PROCEEDINGS

(a) Location of Arraignment

(1) In-Custody

The initial court appearance or arraignment for defendants who are in custody in the County Jail will be held at the San Luis Obispo Court location.

(2) Out of Custody

The initial court appearance or arraignment for defendants who are not in custody except defendants charged with a felony offense will be held at the court location in the jury district in which the offense is alleged to have occurred unless the defendant has posted bail since the last court appearance without knowledge of this court.

San Luis Obispo Superior Court

(3) Felony Cases

All defendants charged with a felony offense regardless of where the offense occurred must be arraigned at the San Luis Obispo Court location. Felonies on entry of a plea of not guilty will be set for a preliminary hearing. This hearing will be set within 8 to 10 court days of the entry of plea if the defendant is in custody and within 14 to 16 court days if he or she is not.

(b) Date of Arraignment

(1) Arresting agencies releasing persons prior to an arraignment calendar hearing must fix the date of the appearance of the person arrested in the proper location of this Court at a regularly scheduled arraignment calendar not more than two weeks for felony defendants and four weeks for all other defendants from the date of such release. If a further appearance date has been set by the Court then the date of appearance fixed by the law enforcement agency must be that date.

(2) Whenever an arresting agency releases a defendant and sets a court appearance date it must notify the clerk of the court in which the defendant is to appear.

(c) Multiple Cases

(1) Felony Defendants:

(A) Probation Violations

If a defendant is charged with a felony offense, all pending misdemeanor probation violations will be transferred to the San Luis Obispo Branch where the felony case is pending. If a defendant is released upon posting bail on a warrant issued for a misdemeanor probation violation and a felony is pending, the defendant will be directed to appear in the San Luis Obispo Branch on all of these cases.

(B) Pending Misdemeanor Cases

If a defendant in custody is charged with a felony offense and a separate misdemeanor offense, all pending misdemeanor cases will be transferred to the San Luis Obispo Branch. The defendant will appear in this branch on all these cases.

(2) Misdemeanor Defendants

When a misdemeanor defendant is in custody, the defendant will be arraigned on all pending cases in the San Luis Obispo Branch. However, should the defendant be released on bail or citation prior to the appearance the defendant will be directed to appear in the branch from which the warrant was issued or in which the case is pending. (Amended 7/1/02)

RULE 10.05

CALENDAR EVENTS: MISDEMEANORS

(a) Arraignments

The defendant or counsel will be given a copy of reports and complaint at the arraignment. Stipulations for independent blood analysis should be made at arraignment. Pleas will be entered. Since the District Attorney and Public Defender may be present, some plea negotiation may be accomplished at this event. Following entry of a not guilty plea case will be set for a Pretrial Conference and Trial Setting Conference.

(b) Motions

Any motions, except in limine motions where a stipulation cannot be obtained, must be noticed and heard prior to the Trial Setting Conference. No further motions will be heard on the case. If a motion to strike a prior cannot be heard at this time because of lack of documentation it will be heard at the time of sentencing. VC 41403(c). In Limine Motion: Any in limine motion must be filed in writing five days before the Readiness Conference. The motion will be heard at the Readiness Conference.

(c) Pre - Trial Conferences

The District Attorney and defense counsel must discuss the case and attempt to resolve the case at the pre trial conference.

(1) Diversion

If defendant is to be considered for diversion, referral must occur no later than this event.

(d) Trial Setting Conference

San Luis Obispo Superior Court

If there is not a disposition of the case, a Readiness Conference and Trial will be set. All discovery is to be complete by this conference and all additional investigation such as blood re-analysis, is to have been completed.

(e) Court Trial

If a Court Trial is requested at arraignment this will be set and a Pre Trial Conference will only be set upon request. Trial will be set within four weeks.

(f) In Custody Defendant

Pre Trial Conferences for in custody defendants will be set on the in-custody-arraignment calendar.

(g) Readiness Conference

The purpose of this conference is simply to confirm the matter for trial the following day. No negotiated pleas will be accepted unless good cause is shown. Once the matter is confirmed, no negotiated pleas will be accepted. On the date of trial the case will be either tried, dismissed or a defendant will be required to plead to all counts.

(h) Continuance by Clerk

(1) A clerk of this Court may upon the request of the defendant or counsel, continue the initial arraignment of a defendant for up to 14 calendar days.

(2) This authorization does not apply to any case in which a defendant has been charged with a felony.

(3) This authorization does not apply to any case in which a defendant has been released on bail.

(i) Court Surrenders

(1) Probation Violations

When a warrant has been issued for failure to comply with a term or condition of probation, any surrender on the warrant must occur at the County Jail or police department. Bail may be posted with the clerk and the warrant must be recalled and the case placed on calendar.

(2) Failures to Appear

A defendant who has failed to appear in Court in a misdemeanor case or infraction case may surrender to the Court under the following circumstances.

(A) This is the first failure to appear in this case, and

(B) At least 24 hours notice is given to the clerk, and

(C) The request to calendar is made by the defendant in person or by counsel, and

(D) The date of the surrender is no more than seven days after the failure to appear, or in the alternative, if more than seven days has elapsed since the failure to appear, the warrant has not been signed.

(j) Appearance by Counsel

Pursuant to statutory authority (Penal Code Section 977(a)(1)) and case law, a defendant may appear by counsel if the accused is charged with a misdemeanor only, except as provided in Penal Code Section 977(a)(2), which states "If the accused is charged with a misdemeanor offense involving domestic violence, as defined in Section 6211 of the Family Code, or a misdemeanor violation of Section 273.6, the accused shall be present for arraignment and sentencing."

Appearance by counsel without the defendant being present shall be deemed an appearance on behalf of the defendant. The failure of counsel to have all necessary authority and authorization to act for the defendant at any appearance is grounds for the Court to order the defendant's personal presence at the next appearance. If a represented defendant is not present when the case is calendared for trial or other evidentiary hearing, the attorney of record shall notify the defendant of the date, time, and place of the trial or hearing. (Amended 7/1/02)

RULE 10.06

CALENDAR EVENTS: FELONIES

(a) Felony Team: All felony cases, including probation violations, will be assigned to a specific department in the felony team. The team will be such judges as are assigned by the presiding judge. (Eff. 7/1/1999)

San Luis Obispo Superior Court

(b) Case Assignments: ALL ASSIGNMENTS MUST BE FOR ALL PURPOSES.

(1) Single Defendant Cases: Case assignment between the three judges assigned to the felony team shall be alphabetically:

A - Gn

Go - O

P - Z

(2) Multiple Defendant Cases: Multiple defendant cases will be assigned sequentially to each judge assigned to the felony team.

(3) Time of Assignment: Assignments will be made upon the filing of a felony complaint, indictment or felony probation violation. Once an assignment is made, all subsequent felony complaints, indictments and felony probation violations will be assigned to the judge receiving the initial assignment.

(4) Multiple Cases: Upon the filing of a felony complaint, indictment or felony probation violations, all pending felony or misdemeanor cases and/or probation violations will be assigned to the same judge. This judge will handle these cases on an all purpose assignment through sentencing. Any felony probation violations will be assigned to the same judge unless the defendant is a codefendant in a multiple defendant case, in which case the probation violation will be assigned to the judge assigned to the multiple defendant case. If a felony is reduced to a misdemeanor and the defendant placed on probation, any subsequent probation violations will be assigned to a judge handling misdemeanor cases.

(5) Assignment for all Purposes: Assignment to a judge for all purposes means assignment for all proceedings in the matter from arraignment on the complaint through trial and sentencing.

For all purposes includes all court proceedings that apply in each case.

Any motions under Code of Civil Procedure § 170.6 must be filed within ten (10) days after the appearance of a party.

Any motion under Code of Civil Procedure § 170.6 filed at the superior court stage of the proceedings will be considered untimely, unless it is shown that the party did not have the opportunity to file it earlier.

(c) Calendar of Events:

(1) Arraignment on Complaint

Arraignment must proceed in accordance with P.C. §§ 858, 859, 859a, 859b and 860. The district attorney provides initial discovery with the complaint. Disposition discussions are encouraged. Seven to ten days will normally be allowed for a defendant to retain counsel of his or her choice. Following entry of a not guilty plea, the case will be set for a pre-preliminary hearing and preliminary hearing. These hearings will be held at the courts located in San Luis Obispo unless the court, for good cause, orders otherwise.

(2) Pre-preliminary Hearing

A pre-preliminary hearing will be held to confirm readiness for the preliminary hearing and to provide an opportunity for discussions of case disposition. At this hearing, the parties should consider applicable diversion procedures.

(3) Preliminary Hearing

The preliminary hearing must be held pursuant to Title 3, Chapter 7 of the Penal Code.

(4) Trial Setting Conference

A trial setting conference will be set. The prosecution and defense are encouraged to discuss disposition and scheduling of future case events with the court. In the absence of a disposition the matter will be set for jury trial and readiness conference.

(5)(a) Motions

Counsel must consult the court (clerk) for available dates for motions requiring an evidentiary hearing. Motions must be calendared at least one week before the readiness conference.

(b) Motion to Set Aside Information

A motion to set aside the information pursuant to Penal Code § 995 will be heard by an assigned judge.

San Luis Obispo Superior Court

(6) Readiness Conference

A readiness conference must occur prior to trial. The purpose of this conference is simply to confirm the matter for trial the following week.

(7) Jury Trial

Trial will proceed pursuant to Title 7, Chapter 2 of the Penal Code. No negotiated pleas will be accepted. The case must either be tried, dismissed or the defendant must plead to all counts. The trial will be set, except for good cause, no later than 60 days from the date of filing the information.

(8) Probation Violation Hearings

Hearings on violations must be heard as early as possible. (Amended 7/1/02)

RULE 10.07

LAW AND MOTION PROCEEDINGS

(a) Location

All motions except Penal Code section 995 motions will be held before the judge to whom the case is assigned. Upon filing a Penal Code section 995 motion, counsel must, if denied, request such motion be assigned to another judge on the felony team.

(b) Notice of Motion

All motions and notices must be in writing and, in addition to specifying the date and time of the hearing, must specify the grounds of the motion. All motions must be in writing and give not less than ten (10) calendar days notice unless such requirement is shortened by court order or waived. The papers intended to be used by the moving party must be attached to, and served and filed with, the notice of motion. All citations of authority must include the official reporter citation and the West Publishing (unofficial) citation. Failure of either party to file and serve the points and authorities may be deemed by the court to be a concession to the motion and/or that the motion is without merit. Where the review of a transcript is necessary, the pertinent transcript testimony must be summarized with a specific page and line reference cited.

(c) Date of Hearing

Any motion requiring a hearing must be noticed for a date certain after confirming such date with the court clerk prior to noticing the motion. The motion must be noticed and heard prior to the Trial Setting Conference for misdemeanors and prior to the readiness conference for felonies.

(d) Format

The first page of each motion must specify immediately below the number of the case:

- (1)** The date, time and location, if ascertainable, of any scheduled or noticed hearing;
- (2)** The nature or title of any attached document other than an exhibit; and
- (3)** The trial date, if set.

Documents bound together must be consecutively paginated.

(e) 1538.5 Motion

(1) Felony

Motions by defendant to suppress or return evidence will be heard in conjunction with and at the same time as a Preliminary Hearing or on a date set.

(A) A written noticed motion is not required if a motion based upon Penal Code section 1538.5 is to be heard at the Preliminary Hearing. The prosecutor must be prepared at all such hearings to justify, legally and factually, all seizures of proffered evidence; however, upon a showing of surprise the case may be continued. If a Penal Code section 1538.5 motion is made other than at a preliminary hearing, a written notice that complies with Rule 10.07(b) is required.

(B) A written noticed motion pursuant to Penal Code section 1538.5 must specifically describe and list the evidence which is the subject of the motion to suppress; and must specifically state the theory or theories which must be relied upon and urged for the suppression of the evidence; and cite the specific authority or authorities which will be offered in support of the theory or theories and must set forth a statement of facts upon which such theory(ies) is based upon which suppression of the evidence is urged. It must also conform to Rule 10.07(b).

San Luis Obispo Superior Court

(2) Misdemeanors

Motions by defendant to suppress or return property will be heard at least 10 calendar days in advance of the trial date (PC 1538.5(g)). Notice of the date of such hearing must be given in compliance with Rule 10.07(b) above and must specifically list and describe the evidence sought to be suppressed or returned, must state specifically the theory(ies) which will be relied on and urged for suppression or return of the evidence, must set forth a statement of facts upon which such theory(ies) is based, and must cite the specific authority(ies) which supports the theory(ies) for such suppression.

(3) Hearing

Defendant must be prepared to prove standing to object, and in instances of warrantless searches, must be prepared to prove

- (a)** That a seizure of the evidence took place, and
- (b)** That it was done so without a warrant. (Amended 7/1/02)

RULE 10.08

CONTINUANCE POLICY

The welfare of the People of the State of California requires that all proceedings in criminal cases must be set for trial and heard at the earliest possible time. (PC 1050). Therefore it is the policy of this court to maximize the use of judicial time and avoid continuances, resetting and unnecessary trailing of cases. Any motion to continue in a criminal proceeding must comply with Penal Code Section 1050. Further this Court adheres to a no trial continuance policy -- when a courtroom event is scheduled that event should take place as scheduled.

(1) Responsibilities of Counsel

(A) Counsel's attention is directed to Rule 6-101 of the Rules of Professional Conduct of the State Bar of California "Failing to Act Competently"

(B) A member of the State Bar must not

(1) Accept employment or continue representation in a legal matter when the member does not have sufficient time, resources, and ability to perform the matter with competence, or

(2) Repeatedly accept employment or continue representation in legal matters when the member reasonably should know that the member does not have or will not acquire before performance is required, sufficient time, resources and ability to perform the matter with competence . . . "

(C) Counsel should not set a case if they are committed to another trial during that period or if they are going to be on vacation. This includes cases set in Superior Court and cases in different branches and departments of this Court. Counsel should not schedule other cases to begin if they have another matter set in this Court. Neither reason constitutes "good cause" for a continuance.

(D) Motions, pretrials and trials are to be heard at the time and date set.

(E) Substitute Counsel

An attorney who appears for another attorney is representing the defendant then before the Court. An attorney who makes such an appearance is required to do so competently. Calif. Rules of Professional Conduct 6-101(A)(1). Such an attorney is expected to be prepared to carry out and perform any duties required at that calendar event; should a continuance be required it is counsel's responsibility to have complied with this policy and to know when the other attorney will be available to appear; if a case is not to be tried, counsel should have authority to dispose of the case. Should these rules not be complied with, sanctions may be applied against this attorney. (CCP 128.5, CCP 177.5, Calif. Rules of Court 227.) At the next scheduled calendar event, the counsel of record must file a declaration with the Court explaining the inability to be present at the last calendar event.

(F) Counsel should not delay in filing and serving proper motions. Failure timely to file or serve without good cause may result in the imposition of sanctions.

(G) Counsel should subpoena witnesses as soon as a case is set for hearing or trial.

(H) Counsel should not accept representation of a defendant unless there is sufficient time to adequately prepare before the next scheduled event.

San Luis Obispo Superior Court

(2) Motions to Continue

Motions to continue must comply with Penal Code Section 1050 and must be submitted in duplicate. Courtroom events will be continued only when extraordinary circumstances, not within the control of the parties and which were not foreseeable at the time of setting the date of the event, necessitate a continuance. In ruling on motions to continue, the following factors will be taken into consideration:

(A) The time when the need for the continuance arose, and the diligence of counsel in bringing the need for a continuance to the attention of the Court and opposing counsel at the earliest possible date and in attempting to avoid a continuance;

(B) The proximity of trial, the age of the case, the established time limits for processing cases, and the nature of any previous continuances or prior orders entered in the case;

(C) The earliest possible date all parties and the court will be read to proceed;

(D) Whether the continuance may be avoided by substitution of attorneys or witnesses, or by the use of stipulations as to testimony, and

(E) The injury or inconvenience caused to the party not requesting the continuance.

(3) Good Cause

Continuances will only be granted on the showing by competent evidence of good cause. The facts proven justifying good cause and the length of continuance must be set forth on the record. Good cause is NOT shown by the following:

(A) Counsel's vacation or commitment to another trial or proceeding except as provided in PC 1050(g),

(B) Failure of a client to adhere to a financial agreement with his attorney,

(C) Failure to expeditiously prepare for trial,

(D) A witnesses' vacation or attendance at school unless this is accompanied by a showing of the witnesses' unavailability, that the testimony is material and necessary and that the party seeking the attendance exercised due diligence to secure the presence of the witness,

(E) Informal diversion,

(F) A civil compromise pursuant to PC 1378,

(G) Other pending cases,

(H) Negotiations not yet completed.

(Misdemeanor cases coming within (E) and (F) can be conditionally dismissed on waiver of the prohibition against refiling).

(4) No Stipulated Continuances

No continuance will be granted solely because all parties agree thereto.

(5) Sanctions

The failure to adhere to this policy will result in the imposition of sanctions and the assessment of reasonable costs. CCP 128.5, CCP 177.5, Calif. Rules of Court 227.

(6) Trailing

Should it be necessary that cases be trailed for hearing or trial, they will be trailed day by day. The case will be called each day at 11:30, 4:30 and the next day at 8:30. When a case is trailing the defendant and counsel, except in extraordinary circumstances, must be present when the case is called. (Amended 7/1/01)

RULE 10.09

PHOTOGRAPHING OR RECORDING COURT PROCEEDINGS

All photographing, recording and broadcasting in the courtrooms of this Court must be in accordance with California Rule of Court 980 as modified by the following:

(a) Permission to Film Witness

There must be no photography, recording (audio or video), filming or broadcasting of the testimony of any witness not employed by a governmental agency without the permission of such witness and the court.

(b) No Audio Broadcast

There must be no broadcast of audio recordings of court proceedings without permission of the court.

San Luis Obispo Superior Court

(c) Media Rules

Requests for media coverage must be submitted

- (1) To the Clerk of the Court five court days in advance,
- (2) For each appearance, and
- (3) In quadruplicate (original and 3: original for file, copies for the clerk to distribute to each side, and a copy for the media's file).

RULE 10.10

TRIALS

(a) Location

(1) Defendant in Custody

If the defendant is in custody the trial of any criminal case will be held at the court located in San Luis Obispo unless for good cause the court transfers the trial to another location.

(2) Defendant Out of Custody

If the defendant is not in custody the trial of any criminal case will be held at the court location in the jury district in which the offense is alleged to have occurred if the defendant is charged with a misdemeanor or infraction, except all misdemeanor jury trials will be conducted in San Luis Obispo. All defendants charged with a felony will be tried in San Luis Obispo.

(3) Change of Location

Upon a showing of good cause, a change in court location may be requested in writing and served upon the opposing party as will be honored providing that such request is made at least ten (10) calendar days before the hearing. However, in no case will a request be honored if a jury panel has already been notified to appear. The opposing party shall have the right to request a hearing on the question of whether the matter should be transferred. The Court may, on its own motion, order any misdemeanor trial transferred to any court location.

(b) Pretrial Conference -- Misdemeanor Defendants

All cases in which a jury trial is not waived must be set for a pre trial conference and a trial setting conference before a jury trial is set if time for trial is waived. If time for a jury trial is not waived a pre trial conference will be set at the time a jury trial is set. (Amended 7/1/02)

RULE 10.11

SENTENCING

(a) Probation Modification

(1) Notice Requirements

The court requires 24 hours notice to calendar a motion for modification of probation. The request to place the motion on calendar must be made by the defendant in person or by counsel.

(2) Jail Time Modifications

Defendants who fail to appear at jail may not ordinarily request their case to be placed on calendar for jail time modification since they are already in violation of probation.

Exception: Request for "modification" of jail time may be calendared provided that not more than seven days has elapsed since the failure to appear at the jail and/or probation has not been revoked and a bench warrant issued.

(3) Multiple Modification Request

If a case is twice scheduled for modification and there is no appearance, the case cannot be placed on calendar for the same modification.

(b) Fine Payments

(1) Accounting Fee

An accounting fee must be established by order of the court for fines paid directly to the court to cover the costs of accounting required by fine payments. The accounting fee may be waived by either the Director of Criminal Operations, or Court Accountant under the following conditions:

(A) The full amount of the fine was paid on or before the original due date established at the time of sentencing for the payment of the Accounting Fee, and;

San Luis Obispo Superior Court

(B) One payment was made, and

(C) The payment was not returned by the bank for any reason. In all other cases the imposed accounting fee may not be waived except by a judge or commissioner.

(2) Cash Bail

In all cases wherein the defendant has posted cash bail and the court imposes a sentence which includes a fine payable in installments, any cash bail must be applied toward the fine. This must not relieve a defendant of making payment at such time and in such amount as ordered by the court, but must be credited to reduce the fine balance.

(3) Failure to Pay Fine

On probation violations where a defendant is on summary or bench probation and where the only violation is non-payment of the fine upon payment of the fine in full the clerk must be authorized to have the warrant recalled and to reinstate probation on the same terms and conditions as previous. The clerk must advise the defendant of the reinstatement of probation by first class mail, file proof of service and also verify that there are no other violations prior to such reinstatement.

(c) Conditional Sentence

Informal probation, summary probation or bench probation are conditional sentences as defined in Penal Code Section 1203.

(d) Proof of Compliance with Conditions of Probation

In criminal and traffic cases in which a defendant has been placed on informal, summary, or bench probation with a requirement by a certain date that the defendant show:

(1) Proof of completion of alternate work service;

(2) Proof of obtaining a license;

(3) Proof of payment of restitution;

(4) Proof of fine payment;

(5) Proof of completion of DWI or AA attendance; or reappear in court on a certain date; the clerk is authorized to receive and file the appropriate proof and to take the matter off calendar.

In cases where there is some question as to whether the proof is appropriate, the clerk will so notify the defendant and advise the defendant to reappear in court.

(e) Jail Sentences - Credit for Time Served

Unless otherwise indicated by a sentencing judge, when a defendant is ordered to serve time in the County Jail either as a sentence or condition of probation, the defendant must be deemed entitled to credit for any days actually served in custody. Where possible, the sentencing judge must determine the total number of actual days to be credited to a defendant's time so that the date of admission and release from custody can be specified. (Amended 7/1/02)

RULE 10.12

TRAFFIC AND ILLEGAL PARKING

(a) Traffic School

(1) Eligibility

This Court will permit those eligible pursuant to California Rules of Court, Rule 851, to attend a California Department of Motor Vehicle approved traffic school as a means of obtaining a dismissal of a traffic citation.

(2) Dismissal

The traffic citation or complaint will be dismissed upon the presentation of any required fees by the date specified for completion.

(A) A defendant must be given 13 weeks to attend and provide proof of completion and payment of required fees. No extension may be given.

(B) Traffic School may not be attended unless authorized by the Court.

(b) Continuance by Clerk

A clerk of this Court may upon the request of a defendant or counsel continue the initial arraignment of a defendant except for defendants released on bail. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 10.13

TIME STANDARDS

It will be the goal of the Court to dispose of cases within the following time limits.

Preliminary Hearing concluded within 30 days of first appearance and conviction or acquittal within 60 days of the date of filing the information or indictment.

Misdemeanor: Conviction or acquittal of defendant or dismissal of case within 90 days of first appearance. Attorneys substituting into a case will be expected to handle the case within these time standards. (Amended 7/1/02)

RULE 10.14

TRIAL BY DECLARATION

(a) Adoption of Trial by Declaration Procedure

This court adopts the provisions of Vehicle Code Section 40902 except as limited herein.

(b) Eligibility

Any defendant must be afforded a trial by declaration for such charges as allowed by VC 40902 upon written request.

(c) Requirement for Posting of Bail

Any person requesting a trial by declaration must be informed of the requirement to post bail in the full amount specified by the bail schedule. Failure to post bail within fifteen (15) days of notice by the clerk must be deemed to be a withdrawal of the request for trial by declaration. Thereafter, a person must not be afforded a trial by declaration in that case.

(d) Time Limits

A person having posted bail for a trial by declaration must adhere to the time limits set by the clerk of the court for submission of any required declarations, exhibits or other evidence. Failure to submit said evidence in a timely manner must result in a bail forfeiture without further proceedings.

(e) Trial De Novo

A person dissatisfied with the decision of the court may request and must be provided a trial de novo provided the request is made in a timely manner. A timely manner must be the same time as provided for filing a notice of appeal.

(f) Evidence

Pursuant to VC 40902(c) this Court will permit all relevant evidence police reports, written declaration of the defendant or any witness, photographs, drawings, diagrams or other probative evidence. (Amended 7/1/02)

RULE 10.15

COUNTER ARRAIGNMENTS

(a) Counter Arraignment Defined

A counter arraignment is a procedure whereby a defendant charged with violations of law may offer a plea of guilty at the office of the clerk without the necessity of appearance in court. When an appropriate waiver of rights form has been executed by defendant and approved by a judge or commissioner of the court, it is a judgment of the court.

(b) Charges Eligible for Counter Arraignment

Any infraction or misdemeanor charge whereby an appearance is not mandatory is eligible for a counter arraignment.

(c) Bail and Fine

The fine imposed after a counter arraignment must be equal to the bail as set in the bail schedule.

(d) Delayed Payments and Work Service

Persons entering such a plea must be given a delayed due date for payment of the fine in full. The fine may be satisfied in whole or in part by performing community service with credit of \$10.00 for each hour of community service.

(1) Fines Less Than \$300.00

A fine less than \$300.00 must have a due date 13 weeks from date of counter arraignment.

San Luis Obispo Superior Court

(2) Fines \$300.00 or More

A fine of \$300.00 or more must be given a due date of 26 weeks from date of counter arraignment.

(e) Responsibility for Community Service

A person choosing to perform community service as full or partial satisfaction of a fine must make their own arrangements through the San Luis Obispo County Probation Department without a formal referral by the court.

(f) Pay or Reappear Sentence

The sentence for infractions must require the payment of the fine or the return to court by the due date. Failure to pay or reappear must result in an additional charge pursuant to Penal Code §853.7, increased bail and issuance of a bench warrant.

(g) Pay or Serve Sentence

The sentence for misdemeanor violations must be imposed pursuant to Penal Code §1205 and require the defendant to pay the fine by the due date or serve the sentence at the rate of \$50.00 per day. (Amended 7/1/02)

RULE 10.16

APPLICATION FOR WRIT OF HABEAS CORPUS OR CORAM NOBIS

An application for writ of habeas corpus, coram nobis, mandamus or prohibition in a criminal proceeding must be presented to the supervising felony judge except petitions for writs of mandamus, prohibition, or review (certiorari) in a case charging a misdemeanor or infraction must be addressed to the Appellate Division of the court pursuant to Rule 14.05. (Amended 7/1/02)

CHAPTER 11 CIVIL (PROBATE) RULES PART ONE GENERAL PROCEDURAL GUIDE

RULE 11.101

APPLICABILITY OF RULES TO ALL PROCEEDINGS

All rules as hereinafter set forth must apply to estate proceedings, guardianships, conservatorships or trusts, except as otherwise specifically noted and to the extent not superseded by laws enacted after July 1, 2000. (Amended 7/1/02)

RULE 11.102

ADDRESSES AND TELEPHONE NUMBERS

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

County Government Center
San Luis Obispo, CA 93408

Office	Address	Telephone
Clerk	County Government Center Room 385 San Luis Obispo, CA, 93408	(805) 781-5242
Court Investigator	1070 Palm Street	(805) 781-5424
Preapproved Matters	(Recording) (Web Site) (Amended 7/1/02)	(805) 781-5178 www.slcourts.net

San Luis Obispo Superior Court

RULE 11.103

PROBATE CALENDAR AND APPEARANCES BY COUNSEL

(a) The scheduling of the date and time for the Probate Calendar will be announced by the Court in December for the following year. Please contact the Clerk for further information at (805) 781-5242.

(b) Appearance by counsel will be required in the following matters:

- (1) A contested matter;
- (2) A hearing on a petition for confirmation of sale of property;
- (3) An appointment of guardian or conservator;
- (4) A compromise of a minor's claim; and
- (5) When otherwise required by law or the Court. (Amended 7/1/02)

RULE 11.104

TIME FOR FILING, SETTINGS, AND FILING FEES

(a) The provision of California Rules of Court, Division II, Civil Law and Motion Rules, Rules 301-391 inclusive are expressly applicable to law and motion practice in the Superior Court of California, San Luis Obispo County. Particular attention should be paid to the mandatory time requirements of Rule 317(a), which states unless otherwise ordered or specifically provided by law, all moving and supporting papers must be served and filed at least fifteen (15) calendar days, all papers opposing the motion at least five (5) Court days, and all reply papers at least two (2) Court days before the time appointed for the hearing.

(b) All filings must be accompanied by the appropriate filing fee. Fees and exemptions are set forth in Government Code Sec. 26820 et seq. The words "Probate Code Sec. 10400" must be inserted in title of each subsequent paper to qualify for fee waiver under Independent Administration of Estates Act. (Government Code Sec. 26827.4.) (Amended 7/1/02)

RULE 11.105

FORM OF PAPERS PRESENTED FOR FILING

(a) Papers presented for filing with the Clerk must conform to California Rules of Court 201.

(b) Use of forms which are ADOPTED by the Judicial Council are mandatory. The latest printed forms which have been APPROVED by the Judicial Council must be used where applicable. If the approved forms cannot be used without substantial alteration, counsel are requested to prepare their own documents using the printed forms as a guide.

(c) All filings must include an original and one (1) copy if petitioner/counsel require a conformed copy.

(d) Unless petitioner/counsel provides the Clerk with a stamped, self-addressed envelope, copies of filed documents will be placed in a will call-pick up folder at the Clerk's office. (Amended 7/1/02)

RULE 11.106

HEARING DATE REQUIRED ON DOCUMENTS

The date, time and department of the hearing must be placed immediately below the case number on the first page of every document filed which relates to a matter set for hearing. Documents which do not conform with this rule will be rejected for filing. (Amended 7/1/02)

RULE 11.107

SIGNING AND VERIFICATION OF PLEADINGS

(a) Pleadings, reports and accounts must be signed by the attorney and each personal representative, trustee, guardian or conservator. Such filings must be verified by a personal representative, trustee, guardian or conservator personally and not by the attorney.

(b) If the petitioner, objector or respondent is not a fiduciary appointed in the proceeding and is absent from the county or for some other reason unable to sign or verify the

San Luis Obispo Superior Court

petition, objection or response, the person's attorney may sign or verify the same as set forth in Probate Code Sec. 1023. (Amended 7/1/02)

RULE 11.108

AMENDMENTS TO AND AMENDED PLEADINGS

(a) Amended Pleading

An amended pleading is a pleading which supersedes the original thereof and speaks only of things which occurred either before or concurrently with the commencement of the action; it may be allowed "of course" or upon motion. An amended pleading must be calendared, posted and noticed in the same manner as the pleading it supersedes. An amended pleading must be clearly designated as amended in the caption on the first page of the pleading.

(b) Amendment to Pleading

An amendment to a pleading is the correction of an error committed. Its purpose is to correct, improve or rectify something deficient or defective in the original pleading, not to substitute a new for an old. Copies must be served by counsel on all parties who were served with the initial pleading if there is a substantive change. The amendment will not be calendared separately but will be heard on the date and time set for hearing on the initial pleading. An amendment to a pleading must designate the pages and lines of the pleading being amended. An amendment must not be made by alterations on the face of a pleading except with permission of the Court.

(c) Supplemental Pleading

A supplemental pleading is one alleging facts material to the action occurring since the commencement of the action. Leave of Court must be obtained prior to the filing of a supplemental pleading. A supplemental pleading must be calendared, posted and noticed in the same manner as an original pleading. A "Supplement to a Pleading" does not exist and will not be accepted. (Amended 7/1/02)

RULE 11.109

PREAPPROVED MATTERS

(a) A matter that by law may be determined upon verification and without testimony may ordinarily be submitted for appropriate action by the Court without appearance by counsel or witnesses provided. The Judge or Commissioner assigned to the Probate Calendar will review all documents prior to hearing and may tentatively approve all matters which are in proper form and to which no objections have been made. Such matter must be assigned to the pre-approved matter list.

(b) The Probate Clerk is authorized to release the name and numbers of matters pre-approved by the court. See Rule 11.102 for the telephone number of the recorded message for pre-approved matters. The recorded message can be assessed 24 hours a day beginning after 12:00 p.m. one (1) court day prior to the scheduled hearing and will include the courtroom and name of the judge who is calling the calendar.

(c) Objection to Approved Matters

If the petitioner does not appear at the time the matter is called, and if objection is made at the time the approved calendar is called, the Court must continue the matter for a reasonable time to allow for the filing of written objections. If written objections are not on file by the new hearing date, the matter will proceed. (Amended 7/1/02)

RULE 11.110

CONTINUANCES

The continuance policy of this Court in probate matters is liberal, but unexplained or unnecessary successive continuances must cause the matter to be taken off calendar and require the same to be renoticed. In uncontested matters, counsel may request a continuance by telephone to the Probate Clerk. Pursuant to Probate Code Sec. 1205, if a hearing is continued, no further notice is required unless ordered by the court. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 11.111

CONTESTED MATTERS

(a) Oral Objections

If an oral objection to any matter before the Court is made by a person appearing at the hearing at the time a matter is called, the Court may continue the hearing for a reasonable time to allow the filing of written objections. If written objections are not filed within the prescribed time, the matter will proceed to hearing over the objection.

(b) Trial of Contested or Lengthy Matters

The Court may transfer all contested matters or matters with time estimates of more than 30 minutes for hearing to the Department of the Presiding Judge who will then assign those matters for hearing in the same manner as civil trials are assigned. (Amended 7/1/02)

RULE 11.112

LAW AND MOTION PROCEDURES

Refer to San Luis Obispo County Local Court Rules, Chapter 7 Civil (Law and Motion) Hearing, Procedures and Probate Code Sec. 1000. (Eff. 7/1/00)

PART TWO NOTICES

RULE 11.201

PREPARATION OF NOTICES

All notices required by the Probate Code to be given by the Clerk must be prepared by the attorney. (Amended 7/1/02)

RULE 11.202

ADDITIONAL NOTICE

Under the provisions of Probate Code Sec. 1202, the Court may require additional or further notice on any matter. Such notice will be required whenever it appears that the interest of any person may be adversely affected by the determination of the issues raised by the pleadings.

RULE 11.203

NOTICE: BY WHOM GIVEN

The Clerk must be responsible for publication of notice where required. The petitioner or the petitioner's attorney must prepare all notices required to be published and must provide the same by original and one (1) copy to the Clerk. Where notice by mail is required to be given, petitioner or petitioner's attorney must give the matter the notice and file a proper proof of service. (Amended 7/1/02)

RULE 11.204

NOTICE BY PUBLICATION OF NOTICE OF PETITION TO ADMINISTER ESTATE

The published notice of Petition to Administer Estate is sufficient to include only those instruments which are offered for probate and specifically referred to in the petition for which the notice is given. Any other will or codicils not specifically mentioned in the petition must be presented to the Court in an amended petition or second petition, and a notice of hearing must be published. See Appendix A for newspapers of general circulation in San Luis Obispo County. (Amended 7/1/02)

RULE 11.205

NOTICE BY POSTING

The moving party must prepare and submit to the Clerk as many copies of the notice as the Clerk is required to post.

PART THREE
APPOINTMENT OF EXECUTORS AND ADMINISTRATOR

RULE 11.301

DECLINATION TO SERVE

If the person named in the decedent's will as executor declines to act as such, his written and signed declination to act must be filed with the Court unless evidence is produced that he is incompetent or refuses to act. (Amended 7/1/02)

RULE 11.302

MULTIPLE REPRESENTATIVES

If a petition is filed requesting letters be issued to two or more executors or administrators in which one or more of the named persons for whom letters are sought is not a petitioner, a consent to act, signed by each non-petitioning person for whom letters is sought, must be filed with the Court. (Amended 7/1/02)

RULE 11.303

INDIVIDUALS TO BE NAMED IN THE PETITION

In the petition for letters, each of the following must be listed and named:

(a) Each heir of the decedent, so far as known to or reasonably ascertainable by the petitioner, (including those who might be heirs by virtue of Probate Code Secs. 21114, 21115 and 6400 et seq.), setting forth their names, age addresses and relationships to the decedent.

(b) Each devisee and executor named in any will being offered for probate even if the gift to such person or the appointment of such executor has apparently been revoked.

(c) Trust beneficiaries, the trustee of a trust or guardian nominated in a will, and any other known trustee or guardian.

(d) If the decedent left no spouse or issue, the heirs of a predeceased spouse who would inherit as provided by Probate Code Sec. 6400 et seq. (Eff. 7/1/00)

RULE 11.304

COPY OF WILL TO BE ATTACHED TO PETITION FOR PROBATE

(a) A petition for letters must have a photocopy of the will attached at the time of filing the petition. The original will must be submitted at the time of filing unless previously lodged with the Court for safekeeping.

(b) If the will is holographic, in addition to a photocopy, a typewritten copy of the will must also be attached to the petition. (Eff. 7/1/00)

RULE 11.305

PROOF OF WILL

(a) Unless there is a contest of a will, proof of a will must conform to the requirements of Probate Code Sec. 8220 et seq.

(b) In uncontested will proceedings, if the attestation clause is signed under penalty of perjury and meets the requirements of Probate Code Sec. 6110 et seq., the will is self proving and may be admitted to probate without an affidavit or declaration. Otherwise, if the will or codicil is witnessed, the moving party must file a Proof of Subscribing Witness with a copy of the will or codicil attached.

(c) If the testimony of a subscribing witness to a will or any other witness impeaches the due execution of the will, a continuance will be ordered; and the other subscribing witness or witnesses to the will who can with due diligence be found must be subpoenaed by the proponent to appear before the Court at the continuance date and testify respecting the execution of the will.

(d) The Court prefers that both formal witnessed wills and holographic wills be proven by declaration rather than by testimony. (Eff. 7/1/00)

San Luis Obispo Superior Court

RULE 11.306

BOND

(a) Bond must be required in all cases, except as otherwise provided by statute. (Probate Code Secs. 8480 and 8481(a)(1)).

(b) If a verified petition for letters alleges that all beneficiaries or heirs have waived the filing of a bond, and the petitioner requests appointment without bond, such waiver(s) must be in writing and timely filed prior to the hearing. Waiver of the bond by heir(s) or beneficiary(s) pursuant to Probate Code Sec. 8481(a)(2) will be considered by the Court and permitted on a case by case basis.

(c) An executor nominated to serve without bond who is a nonresident of California may nevertheless be required to post such bond as the Court may require. Probate Code Sec. 8571.

(d) Upon the filing of the Inventory and Appraisal, the personal representative or the attorney for the estate must declare on the face thereof whether bond is required and whether the amount posted is adequate. If the bond is insufficient, the personal representative must immediately obtain and file an additional bond, thereby increasing the bond to the amount required by Probate Code Sec. 8482.

(e) When a reduction of bond proceeding is initiated, counsel must obtain a proof of deposit confirming the deposit of securities and/or money subject to removal from the depository only upon order of the Court. Such proof must be filed with the Clerk before the reduced bond is filed. Judicial Council forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at www.courtinfo.ca.gov. (Amended 7/1/02)

RULE 11.307

FORM REQUIRED FOR APPOINTMENT OF PERSONAL REPRESENTATIVE

The Judicial Council has adopted a form entitled "DUTIES AND LIABILITIES OF PERSONAL REPRESENTATIVE." Before letters are issued, the original form, signed by the personal representative stating that he or she had received and read the same, must be filed with the Court by the personal representative, other than a trust company or a public administrator Probate Code Sec. 8404. (Eff. 7/1/00)

RULE 11.308

PETITION FOR APPOINTMENT OF SPECIAL ADMINISTRATOR

(a) A petition for appointment of a special administrator may be granted by the Court upon application made pursuant to the Provisions of Probate Code Sec. 8540 et seq. In an emergency, Letters of Special Administration may be granted, ex parte, upon notifying all interested parties no later than 10:00 a.m. the court day before the ex parte appearance. The petitioner must contact the *Superior* Court to set a hearing with the Probate Judge. Ex parte applications must be made in compliance with California Rules of Court 379(b).

(b) The party seeking Letters of Special Administration must give notice of the application to the surviving spouse, the person(s) nominated as executor(s), other persons who seek or might be expected to seek letters, and any other person who appears to be equitably entitled to notice, unless on good cause shown the Court orders otherwise. The petitioner also must file a petition for permanent letters before special letters of administration must be issued, or there appears in the petition a showing of good cause why a petition for permanent letters has not been filed.

(c) In making the appointment, preference is given to the person entitled to letters testamentary or of administration. If it appears that a bona fide contest exists, the Court will consider the advisability of appointing the public administrator or a neutral person or corporation as special administrator. (Amended 7/1/02)

RULE 11.309

ANCILLARY PROBATE

(a) If a nondomiciliary decedent's will has been admitted to probate in a sister state or foreign nation, the will may be probated in an ancillary administration proceeding brought under Probate Code Sec. 12510 et seq.

(b) A petition to probate a foreign will must have attached a certified copy of the will and a certified copy of the order or decree admitting the will to probate outside this jurisdiction. If the will has been admitted to probate in a foreign country, the copies must be certified in the manner set forth in Sec. 1530 of the Evidence Code.
(Eff. 7/1/00)

**PART FOUR
OTHER MOTIONS AND PETITIONS**

RULE 11.401

PETITION FOR EX PARTE ORDER

(a) If because of the apparent emergency nature of an application, the Court elects to consider the matter ex parte, but the need for an opportunity to be heard is apparent, the Court will require moving counsel to notify all parties no later than 10:00 a.m. the court day before, absent a showing of exceptional circumstances, of the nature of the application to counsel who represent the other interested parties, or in the absence thereof to the other interested parties themselves. Any such petitions must comply with California Rules of Court 379(b). Before the hearing is held, moving counsel must submit a declaration to the Court setting forth facts relating to the efforts to give such notice, if any, or facts supporting the conclusion that it was impossible to give such notice.

(b) An ex parte order will not be granted unless accompanied by a petition (or affidavit where applicable) containing facts to justify granting the prayer.

(c) All petitions for ex parte orders must contain an allegation that no request for Special Notice has been filed. If any such notice has been filed, an ex parte order will not be considered unless accompanied by a properly executed waiver of notice.

(d) Petitions for an ex parte order for sale of stock or personal property must allege whether the property is specifically bequeathed. If bequeathed, the consent of the specific legatee to the sale must accompany the petition.

RULE 11.402

PETITION FOR INSTRUCTIONS

(a) The use of a Petition for Instructions by personal representatives pursuant to Probate Code Sec. 9611, is limited to those matters where no other or different procedure is provided by statute.

(b) The Petition for Instructions should set forth the matter on which the personal representative desires instructions in precise detail. The petition must be accompanied by a proposed order which set forth the instructions in clear and explicit language.

RULE 11.403

FAMILY ALLOWANCE

(a) Requests for a family allowance should be made in a timely fashion and conform with the requirements of Probate Code Sec. 6540 et seq. Ex parte petitions for a family allowance for the benefit of the surviving spouse and/or minor children will be accepted if presented before the filing of the Inventory. Ex parte petitions from a person other than the personal representative will not be accepted without the written consent of the personal representative.

(b) A Petition for Family Allowance made more than six (6) months after the personal representative has qualified must be noticed and placed on the regular probate calendar. A Petition for Family Allowance for the benefit of persons other than the surviving spouse

San Luis Obispo Superior Court

and/or minor children will be heard on the regular probate calendar after notice has been given pursuant to Probate Code Sec. 6541(c).

(c) The duration of an order for family allowance must not exceed six (6) months. For good cause shown in writing, such orders may be renewed. The order must state the commencement date and the specified period of payments.

(d) The application for an allowance must include at least the following data:

(1) The applicant's expenses and income from sources outside the estate;
(2) An itemized list of the applicant's assets, and a statement of the appropriate value of each;

(3) A general statement of the assets and of the liabilities of the estate;

(4) A general statement of other applications (if any) on file for allowances;
and

(5) If the petitioner is someone other than the personal representative, the petition must be accompanied by either a consent to the allowance or a waiver of notice signed by the personal representative. (Amended 7/1/02)

RULE 11.404

PETITION FOR DISTRIBUTION ENTITLEMENT

Petition to determine entitlement to distribution of any part of an estate must be made in conformance with the requirements of Probate Code Sec. 11700 et seq. Notice must be given in the manner prescribed in Probate Code Sec. 11701. (Amended 7/1/02)

PART FIVE ORDERS

RULE 11.501

PREPARATION OF ORDERS

For an order to be included in the file for signature at the time of the hearing, it must be submitted to the Clerk at the time the petition is submitted, or no later than five (5) court days prior to the hearing.

An order not presented for signature at time of the hearing must be presented within five (5) days thereafter and must include in the caption and in the first paragraph a recitation of the date, time and department of the hearing. (Amended 7/1/02)

RULE 11.502

WORDING

Orders must be worded so that their general effect may be determined without reference to the petition on which they are based. All orders must be complete in themselves. All matters actually passed on by the Court, including the relief granted, the names of persons and description of property (and if real property is involved, the legal description and common address thereof), amount of money affected, the terms of trusts, and the provisions of other agreements, must be set forth with the same particularity required of judgments in civil matters. (Amended 7/1/02)

RULE 11.503

CONTINUING PAYMENTS -- TIME LIMIT

The Court does not favor orders for continuing payments to run until the further order of the Court. All such orders must provide that payments commence as of a particular date and continue to a date certain. (Amended 7/1/02)

RULE 11.504

ORDERS CORRECTING CLERICAL ERRORS

If, through inadvertence, the minute order or the signed decree fails to state the order actually made by the Court, the Court will on motion, which normally must be supported by an

San Luis Obispo Superior Court

affidavit or declaration, make an order correcting the mistake. The nunc pro tunc order should not take the form of a complete amended order but should be substantially in the following form: "Upon consideration of the affidavit or declaration of _____, to correct a clerical error, the _____ (title of the order to be corrected, giving the date thereof) is corrected on the Court's own motion by striking the following: "_____" and inserting in lieu thereof: "_____".

_____ The original order must not be physically changed by the Clerk, but must be used in connection with the nunc pro tunc order correcting it. To prevent further errors, not less than a complete clause or sentence should be stricken, even if it is intended to correct one word or figure. (Amended 7/1/02)

RULE 11.505

ORDER PRESCRIBING OR DISPENSING WITH NOTICE

An order prescribing or dispensing with notice should be submitted to the Court before the petition is filed. The proposed order should be accompanied by a declaration and points and authorities in support of the order.

PART SIX INVENTORY AND APPRAISAL

RULE 11.601

INVENTORY AND APPRAISAL - PERIOD TO FILE

Probate Code Sec. 8800 requires the Inventory and Appraisal to be filed within four (4) months after appointment of the personal representative or within such further time as the Court may allow after a showing of good cause. If the personal representative neglects or refuses to file the inventory within the time prescribed, the Court, on petition, may revoke the personal representative's letters and/or impose personal liability on the personal representative. Probate Code Sec. 8804.

RULE 11.602

STATEMENT REGARDING - BOND ON INVENTORY AND APPRAISAL

The personal representative or the attorney for the estate must declare on the face of the Inventory and Appraisal whether bond is required and whether the amount posted is adequate. If the bond is insufficient, the personal representative must immediately file an additional bond, thereby increasing the bond to the amount required by Probate Code Sec. 8482.

RULE 11.603

GUIDE FOR PREPARATION OF INVENTORY AND APPRAISAL

The Inventory and Appraisal must conform to the requirements of Probate Code Sec. 8850, 8852 and Sec. 8900 et seq. Each inventory item must be clearly and concisely described in the manner described in the current version of the Probate Referees' Procedures Guide published by the California Probate Referees' Association. In the case of real property, the full legal description and common address must be included.

RULE 11.604

PROPERTY TAX CERTIFICATION

Pursuant to Probate Code Sec. 8800(d), the personal representative must comply with the requirements of Revenue and Taxation Code Sec. 480. This must be satisfied by completing the Property Tax Certification section on the Inventory and Appraisal, or, by completing the Judicial Council Property Tax Certification form.

**PART SEVEN
CREDITORS CLAIMS**

RULE 11.701

NOTICE TO CREDITORS

If, within four (4) months after the date letters are first issued to a general personal representative, the personal representative has knowledge of a creditor of the decedent, the personal representative must give notice of administration of the estate to the creditor. Probate Code Sec. 9050. The notice must be completed on the form approved by the Judicial Council and if filed with the Court, must include a cover sheet in conformance with the Calif. Rules of Court Rule 210.

RULE 11.702

FORM OF CLAIM

Claims must be submitted on the form approved by the Judicial Council. Pursuant to Probate Code Sec. 9150(b), the claimant must file the original claim with the Court and mail the personal representative a copy.

RULE 11.703

REQUIRED ACTION

All filed claims must be acted on by the personal representative of the estate and it is the duty of the attorney for the estate to see that all claims filed are ultimately approved or rejected, in proper form, duly verified, and contain sufficient detail to enable the Court to act on them.

RULE 11.704

LISTING OF CREDITORS' CLAIMS

In a report accompanying an account or in a report where an accounting is waived, it is not sufficient to merely allege that all claims have been paid. The claims presented must be listed and show: the name of each claimant, the amount claimed, the date presented, the date allowed, the date paid if the claim has been paid and the amount paid. If any claim has been rejected, the date of service of notice of rejection of claim, if such notice was given, must be stated; and any known suit on the rejected claim must be identified.

**PART EIGHT
SALES**

RULE 11.801

SALE OR ENCUMBRANCE OF SPECIFICALLY DEVISED OR BEQUEATHED PROPERTY

No specifically devised or bequeathed real property must be encumbered or offered for sale unless first approved by the Court after not less than fifteen (15) days notice to the specific devisee, or unless the consent of the devisee is on file.

RULE 11.802

APPRAISAL OF REAL PROPERTY WITHIN ONE YEAR

Real property must have been appraised within one year of the time of sale. Since the first appraisal reflects the value at the time of death of the decedent, if the date of death is more than one year prior to the date of sale, a reappraisal for sale is required. Probate Code Sec. 10309(a)(1).

RULE 11.803

PUBLISHED NOTICE OF INTENTION TO SELL REAL PROPERTY

Unless excused by the provisions of Probate Code Sec. 10300, a publication of notice of intention to sell real property of the estate is required.

RULE 11.804

DESCRIPTION OF PROPERTY

All legal notices for the sale of real property and the petition for confirmation of sale must contain, in addition to the legal description, the common street address of the property. If there is no common street address, some indication of the location of the property must be included.

RULE 11.805

EXCLUSIVE RIGHT TO SELL REAL PROPERTY

If the personal representative does not have powers granted under the Independent Administration of Estates Act, the personal representative may apply for Court authority to grant a real estate broker an exclusive right to sell the estate's real property for limited periods of time. Probate Code Sec. 10150. The court may grant the petition upon proof of necessity or advantage to the estate. A copy of the proposed agreement with the broker must be attached to the petition. Said agreement must provide for the payment of a commission to the broker holding the listing upon court approval. Probate Code Sec. 10160 et seq.

RULE 11.806

CONFIRMATION OF SALE

Petitions to confirm sales of real property must be on the Judicial Council approved forms.

RULE 11.807

PRESENCE OF PURCHASER NAMED IN PETITION AT CONFIRMATION

(a) A sale to the increased bidder in Court could be set aside by the original purchaser who was justified in believing he did not have to appear in Court to protect his purchase. Counsel should inform the original purchaser of the time and place of hearing and advise him or his agent to be in Court on the day of sale.

(b) The original purchaser, or his/her agent if the original purchaser's address is not known, must be given notice of the petition to confirm sale of real property and proof of service of same must be filed with the Court prior to the date of confirmation of sale.

RULE 11.808

DEPOSIT TO ACCOMPANY OVERBID AND OVERBID FORMS

(a) No bid for the purchase of real property will be acceptable unless the personal representative or the attorney for the estate informs the Court that the bid is acceptable.

(b) When an overbid is made in Court, the overbidder must submit to the Court, at the hearing at the time the overbid is made, a certified or cashier's check, in an amount equal to ten (10) percent of the first allowable minimum overbid, or such lesser amount as the personal representative shall approve.

(c) When there is a successful overbid in open Court on a sale of real property, counsel must complete, and the successful bidder must sign, an overbid form which is available from the courtroom clerk and may be handwritten in this circumstance, and file the same. The Order Confirming Sale of Real Property will not be signed unless the form is filed.

RULE 11.809

CONDITIONAL SALES OF REAL PROPERTY

The Court will ordinarily not approve a sale of real property which is conditioned upon the occurrence of a subsequent event (such as change in zoning). However, if unusual and extraordinary circumstances exist and the necessity and advantage to the estate are set forth in detail, the Court may approve such a sale.

RULE 11.810

SALES OF REAL PROPERTY WHEN BUYER ASSUMES ENCUMBRANCE

Sales of real estate will not ordinarily be confirmed where the buyer assumes or takes subject to an existing encumbrance if the estate is subject to a contingent liability. The return should set forth the facts pertinent to such assumption agreement and any contingent liability.

RULE 11.811

BOND ON SALE OF REAL PROPERTY

(a) Petitions for confirmation of sale of real property must set forth the amount of bond in force at the time of sale and the amount of property in the estate which should be covered by bond. If no additional bond is required, or if bond is waived, that fact should be alleged. A secured promissory note taken as part of the consideration is personal property and an additional bond must be fixed in the amount of such note plus whatever cash is paid.

(b) If the sale proceeds are to be deposited in whole or part into a blocked account, the details must be set forth in the petition for confirmation of sale. Judicial Council Forms: MC-355, Order to Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Or Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at www.courtinfo.ca.gov. (Amended 7/1/02)

RULE 11.812

BROKER'S COMMISSION ON SALE OF REAL PROPERTY

(a) Upon the confirmation of the sale of real property, a broker's commission in excess of 6 percent of the gross sales price will not be allowed except in unusual cases when a larger commission is justified because of exceptional circumstances.

(b) A broker bidding for his own account is not entitled to receive or share in a commission.

(c) In overbid situations, broker's commissions must be determined in accordance with Probate Code Sec. 10160 et seq.

RULE 11.813

PERSONAL PROPERTY - APPRAISAL BEFORE SALE

Except in the case of perishable property or depreciating property, sales of personal property will not ordinarily be approved or confirmed unless the property has been appraised. When necessary, a partial inventory and appraisal may be filed for this purpose, or a letter appraisal obtained from the probate referee for the estate wherein he states that he has inspected the property and declares its value.

**PART NINE
ACCOUNTS AND REPORTS**

RULE 11.901

ACCOUNTS

(a) Form of Account

All accounts filed in probate proceedings, including estates, guardianship, conservatorship and trust accounts must conform to the requirements of Probate Code Sec. 1060 et seq. and 10900. Accounts must be typewritten or machine printed on letter sized pages numbered at the bottom of each page and meet the requirements provided in Chapter 4 (commencing with Sec. 1060 of Division 3, Part 1 of the Probate Code).

(b) Summary of Account

Each account must state the period covered by the accounting, and contain a summary as set forth in Probate Code Sec. 1061 et seq.

San Luis Obispo Superior Court

(1) Appendix B is a suggested Form of Summary of Account showing principal and income breakdowns as required if making a distribution to a trust.

(c) Accounts of Personal Representatives

All accounts of personal representatives must conform to the requirements set forth in Probate Code Secs. 1060 et seq. and 10900 and, as nearly as possible, in the forms suggested in Chapter 19 of California Decedent Estate Practice. (CEB)

RULE 11.902

TRUST AND SPECIFICALLY DEVISED PROPERTY

(a) If a part of the estate is distributable to a trustee with income accumulated during administration of the estate payable by the trustee to trust beneficiaries, receipts and disbursements during probate should be allocated between principal and income in the account.

(b) If property is specifically devised, the accounting should set forth both income received and expenses allocable to each such item of property separately so the net income or loss allocable to each specific devise can be ascertained. See Probate Code Sec. 12001 et seq.

RULE 11.903

WAIVER OF ACCOUNT

(a) The Court will approve a distribution without an account only when all of the following conditions have been met as to each person entitled to distribution from the estate: the person has executed and filed a written waiver of account or a written acknowledgment that the person's interest has been satisfied; and the conditions set forth in Probate Code Sec. 10954 have been satisfied.

(b) Notwithstanding the waiver of account, the personal representative must file a final report of administration at the time the final account would otherwise have been required. Said final report must include the amount of fees and commissions paid or payable to the personal representative and to the attorney and must set forth the basis for determining the amount. See 11.1003.

RULE 11.904

VOUCHERS

Vouchers supporting accounts are not to be filed with the Clerk unless the Court orders them filed.

PART TEN FEES AND COSTS

RULE 11.1001

FEES AND COMMISSIONS IN GENERAL

(a) Fees, commissions and compensation to fiduciaries and their attorneys must be just and reasonable in amount. The Court will make a determination of what is just and reasonable upon the basis of the information provided to the Court in a petition requesting allowance of fees or commissions. In this respect, there must be no distinction between decedent's estates, guardianships, conservatorships or trusts which are subject to court supervision or are otherwise before the Court

(b) Other than for statutory fees and commission in probate matters, the petition requesting allowance of fees or commissions must include a description of the nature of the services rendered with particularity, the time expended thereon, the person who performed the service, and the amount of compensation requested for each service. The Court will consider, but not be bound by, an agreement for extraordinary fees between the attorney and the client.

RULE 11.1002

FEES AND COMMISSIONS IN ADVANCE

(a) Decedent's Estates

Payment of any commissions or fees to the personal representative or the attorney in advance of a Court order is not authorized, not even payment of statutory fees or commissions. Representatives or attorneys violating this prohibition may be surcharged such reasonable sums as the Court in its discretion shall fix.

A petition for partial allowance on statutory compensation and/or compensation for extraordinary services filed prior to the petition for final distribution, must comply with the requirements of Probate Code Sec. 10830 and/or 10832, and must contain a recital of the work actually completed. Ordinarily the last twenty-five (25) percent of the statutory compensation and/or compensation for extraordinary services will not be allowed prior to approval of the final accounting; however, upon a proper showing that it would be beneficial to the estate or to the distribution (for example, reduction of income taxes in a given fiscal period), the twenty-five (25) percent reserve may be reduced or dispensed with.

(b) Guardianships and Conservatorships

Fees of guardians and conservators and their attorneys must be paid after the services have been performed to which they relate and require prior court approval upon a petition filed. Probate Code Sec. 2640 et seq. (See Rule 11.1006) Periodic payment of fees or commissions may be made only upon prior Court approval given upon a petition filed under Probate Code Sec. 2643. The periodic payments must only be paid after the services have been performed for which the fees were requested.

(c) Trusts

Fees of trustees and their attorneys must be paid after the services have been performed to which they relate, and upon showing of good cause, periodic compensation as the Court shall fix. Probate Code . 15682.

RULE 11.1003

FEES AND COMMISSIONS DECEDENT'S ESTATES

(a) In decedent's estates, when no compensation is provided in the will, the personal representative must be allowed statutory fees and commissions set forth in Probate Code Sec. 10800.

(b) Where an accounting is waived, the statutory commission and fee is limited to the inventory value of the estate plus or minus gains or losses on sales.

(c) In a petition for distribution, whether or not accompanied by an accounting, there must be set forth the basis upon which fees are requested and a calculation of the statutory compensation of the personal representative and the attorney. See Appendix C for suggested form of request.

(d) Statutory fees and commissions will not be allowed for services rendered with respect to assets not subject to probate such as life insurance proceeds or annuities paid to a named person, or termination of life estates or joint tenancy.

RULE 11.1004

ORDINARY SERVICES COMPENSATED BY STATUTORY FEES

The Court views those services set forth in Appendix D as ordinary services for conducting probate proceedings by the personal representative and the attorney for which no extraordinary fee will be allowed.

RULE 11.1005

EXTRAORDINARY FEES AND COMMISSIONS IN ESTATES

(a) Extraordinary fees and commissions may be allowed to the personal representative or attorney for such matters as sales, leases, borrowing, litigation (including contested probate matters), tax matters (including preparation of returns, audits and tax litigation), operating a business, heirship proceedings and the performance of any other act

San Luis Obispo Superior Court

resulting in extraordinary benefit to the estate or requiring an extraordinary expenditure of the time or other special services as may be necessary for the personal representative or attorney to perform.

(b) It is the policy of the Court to allow compensation which would be paid by persons competent to contract for themselves and as are reasonable and customary in the community for such services. In order to assist the Court in its determination, each item that constitutes an extraordinary service must be individually stated in the petition with a specific fee request for each such service. Following are suggested, but not exclusive, guidelines of the Court to be used in making its determination:

- (1) The benefits which inured to the estate.
- (2) Amount of money or value of property involved in the transaction.
- (3) Whether the matter was routine or involved a unique matter of substantial legal or practical difficulty.
- (4) Knowledge and experience of personal representative or attorney and how this relates to the extraordinary services.
- (5) Whether an expert was retained in connection with the rendering of particular services, such as a broker or certified public accountant.
- (6) Duration of the probate administration.
- (7) A detailed description of services rendered by date.
- (8) A detailed description of any legal research required on a unique or different issue.
- (9) The time devoted to the services described.
- (10) Amount of the statutory fee and the time required to administer all matters pertaining to the estate.

RULE 11.1006

COMPENSATION IN GUARDIANSHIPS, CONSERVATORSHIPS AND TRUSTS

(a) The Probate Code provides for just and reasonable compensation for guardians, conservators, trustees and their attorneys. The Court will consider the same factors set forth in Rule 11.1005, pertaining to allowance of extraordinary fees and commissions, to the extent the same are relevant, in determining such compensation.

(b) When compensation is requested by a guardian, conservator, or trustee, the Court will require the guardian, conservator, or trustee, to set forth in detail, the type and nature of the services provided, the hours expended, and the date the services were performed.

(c) No petition for fees will be considered until the Inventory and Appraisal has been filed. Any petition for fees made pursuant to Probate Code Sec. 2640 before the filing of the first accounting must contain a complete and detailed statement of the services rendered which support the fee requested.

(d) The additional powers granted to a conservator or guardian under Probate Code Sec. 2591(q) do not confer authority for the conservator or guardian to pay fees to their attorney of record without first obtaining prior court approval.

RULE 11.1007

"ONE - FEE" RULE

Unless approved by the Court in advance as being to the advantage, benefit and best interest of the estate, minor or conservatee, an attorney who receives a fiduciary's commission must not be awarded an attorney's fee or be allowed to share in any attorney's fees which may be paid to that attorney's law firm. In situations where the one-fee rule is applicable, an agreement which shows compliance with the rule must be filed with the Court.

RULE 11.1008

NOTICE TO PRIOR REPRESENTATIVE OR ATTORNEY

If there has been a change of personal representative or fiduciary or a substitution of counsel, notice of hearing must be given to such prior representative, fiduciary or counsel of any petition in which fees or commissions are requested by the present personal representative, fiduciary or counsel unless:

- (1) A waiver of notice executed by the prior personal representative, fiduciary or counsel is on file;
- (2) An agreement on the allocation of fees and/or commissions is on file or included in the petition; or
- (3) The file and the petition demonstrate that the fees and/or commissions of the prior personal representative, fiduciary, or counsel have been previously provided for and allowed by the Court.

RULE 11.1009

REIMBURSEMENT FOR COSTS ADVANCED

If counsel or the fiduciary seek reimbursement for costs, such costs must be itemized in the petition.

**PART ELEVEN
DISTRIBUTION AND DISCHARGE**

RULE 11.1101

PETITION OR STATUS REPORT REQUIRED - FILING TIME

Within one year from the date of issuance of letters in estates not required to file a federal estate tax return and within 18 months from the date of issuance of letters in estates where such return is required, the personal representative must either petition for final distribution of the estate or file a verified report of status of administration. If a report is filed, it must show the condition of the estate, the reasons why the estate cannot be distributed and closed, and an estimate of the time needed to close administration of the estate. Probate Code Sec. 12201.

RULE 11.1102

REQUIRED ALLEGATIONS IN PETITION FOR PRELIMINARY AND FINAL DISTRIBUTION

In addition to other items required by law, a petition for preliminary and final distribution must contain the following:

- (a) A full and complete description of all assets on hand, including the legal description and common address of real property. The descriptions may either be set forth in the body of the petition, or by an attached schedule incorporated by reference.
- (b) An allegation as to the character of the property, whether separate or community, in all cases where its character may affect distribution.
- (c) Facts specifically showing the entitlement of each recipient to the portion of the estate to be distributed to him or her. This must also include information concerning predeceased children and in the case of intestate succession, a list of heirs to permit the Court to determine if the laws of intestate succession have been properly applied. A general allegation that the estate is to be distributed in accordance with the terms of the will is not sufficient.
- (d) The name of each distributee. State whether the distributee is an adult or minor. If the distributee is a minor, the age and date of birth must also be listed and a guardian, trustee, custodian or parent identified.
- (e) A computation of attorney's fees and personal representative's commissions requested, or a statement of the waiver of such compensation. See Appendix C.

In addition to the rules set forth above, a petition for final distribution must contain the following:

San Luis Obispo Superior Court

(i) A schedule of claims showing the name of the claimant, the amount claimed, the date presented, the date allowed, the date paid if the claim has been paid and the amount paid. If any claim has been rejected, the date of service of notice of rejection of claim, if such notice was given, must be stated; and any known suit on the rejected claim must be identified.

(ii) An itemization of costs unless itemized in the final accounting.

(iii) A statement that the federal estate tax has been paid, or that the estate is too small to require payment of tax, or that installment payments have been provided for under IRS 6166. When proration of the federal estate tax is applicable, the accompanying account should include a schedule indicating the method by which the proration has been computed.

(iv) A statement that decedent had not received health care under provisions set forth in Probate Code Sec. 9202 ; or a statement that (1) decedent had received such health care, (2) notice of decedent's death was given to the Director of Health Services in the manner and within the time required by Probate Code Sec. 9202, and (3) more than 4 months have elapsed since said notice was given, and that either no claim was filed by the Director during that period, or that the claim which the Director full and a dismissal of claim is on file.

(v) If interest or income accruing during administration is distributable pursuant to Probate Code Sec. 12000 et seq., a statement of the amount due and the method of calculation. See Rule 11.902.

RULE 11.1103

DISTRIBUTION TO MINORS

(a) If the decedent's will permits or if the sum does not exceed \$20,000, the Court can order the distribution to a custodian for the benefit of the minor under the Uniform Transfer to Minors Act. Probate Code Secs. 3900 - 3925.

(b) The court may permit distribution of personal property to a parent of a minor if the total estate of the minor, including the money and other property to be paid or delivered to the parent, does not exceed \$5,000 in value. See Probate Code Sec. 3400. The written assurance required by Probate Code Sec. 3401 must be filed prior to the signing of the Order. The Order must indicate that the distribution is made pursuant to Probate Code Sec. 3401.

(c) Where there is money belonging to the minor, the Court may order that a guardian for the estate be appointed and that the money be paid to the guardian or the Court may order that the guardianship of the estate be terminated and order one or more of the alternatives provided in Probate Code Secs. 3410 - 3413, or, if there is no guardianship, the Court may order one or more of the alternatives provided in Probate Code Secs. 3410 - 3413.

RULE 11.1104

DISTRIBUTION TO NONRESIDENT BENEFICIARIES

If a distribution is to be made to a non-resident beneficiary, and if the assets of the estate exceed \$400,000, and more than \$100,000 is to be distributed to a non-resident beneficiary, the certificate of the California Franchise Tax Board required by Sec. 19513 of the Revenue and Taxation Code must be filed before the order of distribution will be signed.

RULE 11.1105

DISTRIBUTION TO A TRUST

(a) If a distribution is to be made to a trust, a statement by the trustee of trustee's willingness to accept the property under the terms of the trust must be filed with the petition for distribution. Lacking this, a declination to act must be filed, in which case it should be accompanied by a petition by the personal representative for the appointment of a substitute trustee.

(b) If the will provides for distribution of the estate, or portion thereof, to a trust, the trust provisions set forth in the will must be set forth verbatim in the petition and order for distribution, whether or not an accounting is made.

San Luis Obispo Superior Court

RULE 11.1106

DISTRIBUTION TO AN ASSIGNEE

If distribution is to be made pursuant to an assignment of interest, the Court may on the motion of any person interested in the estate or on the motion of the public administrator or on its own motion inquire into the consideration for such assignment and into the circumstances surrounding the execution of such assignment. The signature of the assignor must be acknowledged.

RULE 11.1107

DISTRIBUTION PURSUANT TO AGREEMENT

If the distributees seek distribution in a manner other than that provided by the will or by the laws of intestate succession, that fact should be alleged, and a written agreement (signed by all involved distributees with signatures acknowledged before a notary public) must be filed.

If any such distributee is a minor or is under disability, the agreement must be signed by the minor's legal guardian. Either earlier Court approval of the agreement in the guardianship proceeding must be proved in the probate proceeding or a petition for approval of the agreement in both the guardianship proceeding and the probate proceeding must be brought on for hearing at the same time.

RULE 11.1108

PRELIMINARY DISTRIBUTION - BOND

If a preliminary distribution is made before four months have elapsed after letters are first issued, the Court must require that the distributees post a bond. Probate Code Sec. 11622. After such four month period has elapsed, the Court may require a distributee's bond in the amount the Court orders.

RULE 11.1109

PROCEDURE FOR OBTAINING AN ORDER FOR FINAL DISCHARGE

To obtain a final discharge for the personal representative, the following documents must be presented to the Clerk: all receipts of distributees, an affidavit for final discharge signed by the personal representative and an order of discharge obtained pursuant to the provisions of Probate Code Sec. 12250 or Sec. 12251.

PART TWELVE ESTABLISHING FACT OF DEATH

RULE 11.1201

PROCEEDINGS TO ESTABLISH DEATH

(a) A verified petition to establish the fact of death must be filed in the name of the deceased person. Probate Code Secs. 200 - 204.

(b) The order can be obtained ex parte if the petition is accompanied by:

(1) An affidavit by petitioner that petitioner has no reason to believe that there is any opposition to, or contest of the petition;

(2) The proposed order.

Filings not accompanied by these documents must be set for hearing.

(c) There is no provision in the code for attorneys' fees in proceedings to establish fact of death. No request for attorney fees must be included in the petition, and if so included, will be disallowed.

PART THIRTEEN PETITIONS SETTING ASIDE ESTATES, PROPERTY PASSING OR BELONGING TO SURVIVING SPOUSE, AND COLLECTION OF SMALL ESTATES

RULE 11.1301

PETITION TO SET ASIDE UNDER PROBATE CODE SECS. 6600-6613

A petition to set aside a decedent's estate (net value under \$20,000) under Probate Code Sec. 6600 et seq., must be filed in the proceedings for the administration of the decedent's estate. If such proceedings have not commenced, a petition to set aside may be filed concurrently with the petition for letters, or if no petition is being filed, a petition may be filed independently.

RULE 11.1302

PETITION RELATING TO PROPERTY PASSING OR BELONGING TO SURVIVING SPOUSE

In addition to the allegations required by Probate Code Sec. 13651, a petition that administration of all or part of the estate is not necessary because all or part of the estate is property passing or belonging to the surviving spouse should contain the facts upon which the petition is based.

RULE 11.1303

PROCEDURE FOR COLLECTION OF SMALL ESTATES

(a) The basis for collection of small estates not exceeding \$100,000 is set out in Probate Code Sec. 13100 et seq. (personal property) and Sec. 13150 et seq. (real property). The basis for collection of an interest in decedent's real property that does not exceed \$20,000 is set forth in Probate Code Sec. 13200 et seq.

(b) With respect to succession to real property for estates of decedents not exceeding \$100,000 under Probate Code Sec. 13150 et seq., the successor of the decedent to an interest in real property must file a petition requesting an order determining that the petitioner has succeeded to the real property and that administration is unnecessary. Such petition must be on forms approved by the Judicial Council.

**PART FOURTEEN
INDEPENDENT ADMINISTRATION**

RULE 11.1401

GENERAL

With respect to matters transacted pursuant to the provisions of the Independent Administration of Estates Act contained in Probate Code Sec. 10400 et seq., the following policies must apply:

(1) In any petition for distribution, a schedule of claims must be included as part of the petition, the name of the claimant, the amount claimed, the date presented, the date allowed, the date paid if the claim has been paid and the amount paid must be set forth. If any claim has been rejected, the date of service of notice of rejection of claim, if such notice was given, must be stated; and any known suit on the rejected claim must be identified.

(2) Although preliminary distribution may be made without accounting, sufficient facts must be set forth in the petition to allow the Court to ascertain that the estate is solvent.

(3) In any petition for distribution, all independent acts taken without prior Court approval must be set forth and described with particularity, and an allegation made that the 15-day notice of proposed action with attached proof of service must be filed with the Court. If certain acts have been properly reported in a prior distribution, they need not be repeated.

RULE 11.1402

NOTICE AND PUBLICATION REQUIREMENTS

If the request for authority to administer the estate under the Independent Administration of Estates Act is made by separate petition, notice must be given in the same manner set forth in Probate Code Sec. 10451.

**PART FIFTEEN
TRUSTS**

RULE 11.1501

COURT JURISDICTION

(a) The Court has exclusive jurisdiction over the internal affairs of trusts, and has concurrent jurisdiction of (i) actions and proceedings to determine the existence of trusts, (ii) actions and proceedings by or against creditors or debtors of trusts, and (iii) other actions and proceedings involving trustees and third persons. Probate Code Sec. 17000.

(b) Proceedings concerning the internal affairs of trusts are set forth in Probate Code Sec. 17200.

(c) A copy of the trust must be an attachment to a Petition for Instructions under Probate Code Sec. 1700 et seq. and should not be filed as a separate exhibit.

RULE 11.1502

CONTINUING JURISDICTION

A trust created by a will is not subject to the continuing jurisdiction of the Court, unless:

(1) The testator provides otherwise, or

(2) The trust was created by a will executed before July 1, 1977, and not incorporated in a will or after July 1, 1977 and the trust has not been removed from continuing court jurisdiction. Probate Code Sec. 17300(a) and 17303. If the trustee is not a trust company, Probate Code Sec. 17352 provides that a pre-July 1, 1977 testamentary trust may be removed from continuing jurisdiction upon a petition filed pursuant to that section. If the petition is granted, the Court may impose such conditions including a bond, as it deems necessary. If a trustee is a trust company, a testamentary trust must be removed from continuing jurisdiction pursuant to Probate Code Sec. 17351.

RULE 11.1503

TRUSTEES' ACCOUNTS

Accounts filed by trustees must conform to the requirements of Rule 11.901 and must set forth specifically the period covered by the account. If the trust res was formed in whole or in part by the distribution from an estate, the first account should clearly reconcile the amount first chargeable with both the decree of distribution and the trustees' receipt filed with the estate from which the property was received.

RULE 11.1504

BENEFICIARIES TO BE LISTED IN PETITION

All petitions filed under Probate Code Sec. 17200 involving a testamentary trust or inter vivos trust must set forth the names and last known addresses of all trustees, all beneficiaries required to receive notice under Chapter 2 (commencing with Sec. 15800) of Part 3 of the Probate Code, and the Attorney General if the petition relates to a charitable trust.

RULE 11.1505

NOTICE TO BENEFICIARIES

Petitions filed under Probate Code Sec. 17200 require appropriate notice be given to all of the following persons:

(a) All trustees;

(b) All beneficiaries required to receive notice under Chapter 2 (commencing with Sec. 15800) of Part 3 of the Probate Code;

(c) The Attorney General if the petition relates to a charitable trust, unless the Attorney General waives notice.

(d) Notice must be given at least thirty (30) days before the time set for the hearing on the petition. Probate Code Sec. 17203.

San Luis Obispo Superior Court

RULE 11.1506

TRUSTS ESTABLISHED BEFORE DECREE OF DISTRIBUTION

(a) The Clerk must issue a certificate that the trustee is a duly appointed and acting trustee under the trust if the Court file shows the incumbency of the trustee, upon the trustee accepting its duties and responsibilities as such trustee and making application to the Clerk for such certificate and paying the appropriate fees. Probate Code Sec. 15603

(b) The trustee named in a will admitted to probate may be appointed before the decree of distribution is made, upon filing of an appropriate petition.

(c) Where a vacancy exists, a trustee not named in the will admitted to probate may be appointed upon the filing of a petition under Probate Code Sec. 15660. Written notice must be given to all beneficiaries by mail. A bond may be required of a trustee who is a nonresident or is not named in the will.

The order appointing the trustee in paragraphs (b) and (c) must contain all the terms of the trust and the trustee must have all the powers and duties in respect to the trust res set forth in the trust instrument.

If no trustee claims the trust res or can qualify to receive the same and there is no indication in the will as to where the proceeds are to go, a petition to determine heirship may be filed in the same manner as provided by Probate Code Sec. 17200 to determine to whom distribution must be made.

RULE 111507

FEES OF TRUSTEES AND THEIR ATTORNEYS

See Sec. 11.1001 et seq. of these rules.

PART SIXTEEN GUARDIANSHIPS

RULE 11.1601

PETITION FOR APPOINTMENT OF GUARDIAN

(a) A petition for appointment of guardian of the person or estate of a minor or minors must be in the form approved by the Judicial Council and must contain all the information set forth in Probate Code Sec. 1510. If the petition is for guardianship of the person of a minor, and the petitioner is a non-relative, the petition must conform to the requirements set forth in Probate Code Secs. 1510 and 1541; and appropriate notice given as set forth in Probate Code Secs. 1511 and 1542.

(b) The petition must set forth with specificity the reason for the necessity of the establishment of a guardianship. (Amended 7/1/2003)

(c) The petition must state whether or not the minor is a ward or dependent child of the juvenile court or adoption proceedings are undertaken and whether or not any custody proceeding has been filed in respect to the minor. If the minor is the subject of a juvenile court proceeding or custody proceeding, appropriate notice of the guardianship proceeding must be given to the interested parties in such other proceedings. All guardianship proceedings involving a dependent child or ward of the Juvenile Court must be set for hearing before the Juvenile Court.

(d) When a petitioner is a relative, a copy of the petition and other papers filed therewith must be provided to the Court Investigator. See Rule 11. 1809. A copy of the petition only, must be provided to the San Luis Obispo Department of Social Services Child Protective Services. When the petitioner is a non-relative, a copy of the petition and other papers filed therewith must be provided to the San Luis Obispo County Department of Social Services but not to the Court Investigator.

RULE 11.1602

INVESTIGATION AND REPORT BY COURT INVESTIGATOR

(a) An investigation must be conducted pursuant to the provisions of Probate Code Sec. 1513, and petitioner must request a referral to the appropriate investigator at the time of filing the petition.

(b) (Repealed 7/1/2003)

RULE 11.1603

GUIDE FOR GUARDIANS

The Judicial Council has approved a "Probate Guardianship Pamphlet" which provides basic information and may be obtained from the Clerk's Office.

RULE 11.1604

SUPPORT OBLIGATION OF PARENTS

As parents are required by statute to support their children, the Court will not permit guardianship funds to be used for the minor's maintenance where one or both parents are living except upon a showing of the parent's financial inability or other circumstances which would justify the Court in departing from this rule in the best interests of the minor. In all cases where guardianship funds are to be used for the ordinary expenses of supporting a minor, and where there is a parent living who has the obligation to support the minor, the guardian must obtain Court approval prior to the expenditure of funds. A petition for authority to expend funds for support must be accompanied by a detailed explanation (including financial statements, if necessary) of the parent's inability to support the child.

**PART SEVENTEEN
CONSERVATORSHIP**

RULE 11.1701

PETITION FOR APPOINTMENT OF CONSERVATOR

(a) The petition for appointment of a conservator must comply with the provisions of Probate Code Sec. 1821 on a form approved by the Judicial Council.

(b) A separate copy of the petition and other papers filed must be provided to the Court Investigator. See Rule 11.1809.

(c) The Court may, on the petition of the conservator, either at the time of appointment or later, grant additional powers to the conservator. It is the policy of the Court to grant only those additional powers necessary or proper under the circumstances of each case. Any powers so granted must be set forth at length in the Order and in the Letters of Conservatorship.

RULE 11.1702

LETTERS OF CONSERVATORSHIP

(a) Letters of Conservatorship will not be issued by the Clerk until there has been filed (1) a completed "Duties of Conservator" form, and (2) proof of purchase of a copy of the Handbook for Conservators, published by the Judicial Council of California, and if required, (3) proof of blocked accounts or filing of a bond. Judicial Council Forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at www.courtinfo.ca.gov. (Amended 7/1/02)

(b) If the Letters of Conservatorship are not issued and filed within forty-five (45) days after filing the Order Appointing Conservator, the conservator's powers will automatically be suspended and no letters must be issued by the Clerk until a further order is executed by the Court.

RULE 11.1703

HANDBOOK FOR CONSERVATORS

The Handbook for Conservators can only be purchased at the Clerk's office. This handbook includes the required Directory of Community Resources prepared by the Court Investigator's office.

RULE 11.1704

COMPETENCE DETERMINATION/CAPACITY TO GIVE INFORMED MEDICAL CONSENT

(a) Minimum standards have been set forth in the Probate Code Secs. 810 - 814, to establish a legal determination that a person is of unsound mind or lacks the capacity to make a decision to do a certain act, including, but not limited to, the incapacity to contract, to make a conveyance, to marry, to make medical decisions, to vote, or to execute wills or trusts.

(b) Any request for a Court order under Probate Code Sec. 1880, whether made as part of the original petition for appointment of conservator or subsequent thereto, must be accompanied by the Judicial Council form "Capacity Declaration - Conservatorship" executed by a licensed physician, or a licensed psychologist. Probate Code Secs. 1890 and 2356.5.

(c) Judicial determination pursuant to the requirements established in Probate Code Sec. 1881 is required on a petition to give the conservator of the person the powers specified in Probate Code Sec. 2355 unless the conservatee, after notice by the Court of his or her right to object which, must include an interview by a Court Investigator pursuant to Probate Code Sec. 1826 prior to the hearing on the petition, does not object to the proposed finding of incapacity, or waives any objection.

**PART EIGHTEEN
PROVISIONS COMMON TO GUARDIANSHIPS AND CONSERVATORSHIPS**

RULE 11.1800

HEARING DATES

(a) Unless otherwise ordered by the Court, petitions for guardianships or conservatorships must be set for hearing by the Clerk six (6) weeks from the filing of the petition.

(b) If a temporary guardianship is granted ex parte, the hearing on general guardianship must be calendared for hearing within thirty (30) days from the date of granting the temporary guardianship. Probate Code Sec. 2250(d).

(c) If a temporary conservatorship is granted ex parte, the hearing on general conservatorship must be set for hearing by the Clerk six (6) weeks from the filing of the petition.

RULE 11.1801

PRIVATE PROFESSIONAL CONSERVATOR/GUARDIAN

(a) The petition for appointment of conservator or guardian must state whether or not the proposed conservator or guardian is a private professional. Probate Code Sec. 2340 et seq.

(b) Private professional conservators/guardians will attach a declaration to any petition for conservatorship or guardianship or successor petition which must include information regarding the status of their registration, i.e., whether registration is current and complete.

(1) "Usual" and "customary" services provided by private professional conservators of the person will include those services presented in Chapter 4 of the Handbook for Conservators.

(2) "Usual" and "customary" services provided by private professional conservators/guardians of the estate will include those services presented in Chapter 5 of the Handbook for Conservators.

San Luis Obispo Superior Court

(c) The private professional conservator/guardian's annual statement and filing requirement must be based on a calendar year. Private professional conservators and private professional guardians must maintain an active registration while performing in that capacity. Probate Code Sec. 2342.

(d) All private professional conservators and/or guardians must be in full compliance with the Department of Justice Statewide Registry. Probate Code Sec. 2850. (Amended 7/1/02)

RULE 11.1802

APPOINTMENT OF TEMPORARY GUARDIAN OR CONSERVATOR

No petition for an appointment of a temporary guardian or conservator must be considered prior to the filing of the petition for appointment of a general guardian or conservator. On or after filing a petition for appointment of a guardian or conservator, any person entitled to be a guardian or conservator may be appointed as temporary guardian or conservator of the person or estate or both. Probate Code Sec. 2250. This Court prefers that the petition for the appointment of a general guardian or conservator must be separate from the petition for the appointment of a temporary guardian or conservator because the petition for a temporary guardian or conservator may be heard ex parte and the petition for a general guardian or conservator is set on calendar for hearing.

RULE 11.1803

NOTICE

(a) Notice must be provided on forms approved by the Judicial Council and the petitioner must cause it and a copy of the petition to be personally served in accordance with the requirements of Probate Code Sec. 1511 for guardianships, Probate Code Sec. 1822 for conservatorships, and Probate Code Sec. 1460 for general requirements, except where the Court is able to determine on a sufficient declaration either of the following:

- (1) The person cannot with reasonable diligence be given notice; or
- (2) The giving of the notice would be contrary to the interests of justice.

(b) A party seeking temporary Letters of Guardianship or Conservatorship must give notice of the application to the spouse, parents, proposed ward or conservatee, other persons who seek or might be expected to seek letters, and any other person who appears to be equitably entitled to notice, unless on good cause shown the Court orders otherwise. The Court will appoint a temporary conservator/guardian if it is shown that an emergency situation exists that requires immediate attention. A temporary conservator/guardian will be appointed without notice only in the most urgent situations.

(c) The petitioner must comply with notice requirements of Probate Code Sec. 1460 on filing a petition, report, or account. In addition, notice must be given to the personal representative of the estate of a deceased minor or conservatee.

RULE 11.1804

BOND/BLOCKED ACCOUNT

(a) Except as provided by statute, every guardian and conservator must give a bond in the amount fixed by the Court. Probate Code Sec. 2320 and comply with requirements set forth in California Rules of Court, Title Seven, Chapter 5. Bond must be filed before issuance of letters. (Amended 7/1/03)

(1) In a conservatorship proceeding, where the conservatee, having sufficient capacity to do so, has waived the filing of a bond, the Court in its discretion may dispense with this requirement or may permit the filing of a bond in an amount less than would otherwise be required under Probate Code Sec. 2320.

(b) The guardian or conservator may elect to place all or a portion of estate assets into a blocked account which would require prior Court approval to access such funds in lieu of, or, to reduce the bond amount. Probate Code Sec. 2328. Judicial Council form: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order

San Luis Obispo Superior Court

For The Deposit Of Money Into Blocked Account are available at the Clerk's office or can be found on the California Courts website at www.courtinfo.ca.gov. (Amended 7/1/02)

(c) One appointed as guardian of the person or conservator of the person need not file a bond unless required by the Court.

RULE 11.1805

INVENTORY AND APPRAISAL

(a) An inventory and appraisal of the estate, as of the day of appointment, must be filed by the guardian or conservator, with the Clerk within ninety (90) days of appointment, in all cases where there is a conservator or guardian of the estate, even in a case where relief from the requirement of filing accountings may be sought under Probate Code Sec. 2628. When there are no assets known to or in the possession of the conservator or guardian, the inventory should so indicate. Probate Code Sec. 2610. The inventory and appraisal must be in the form of accounts for decedents' estates as set forth in these rules. See Rule 11.603

(b) After-acquired or newly discovered property must be inventoried and appraised pursuant to Probate Code Sec. 2613.

RULE 11.1806

ACCOUNTS

(a) An accounting must be filed by the guardian or conservator:
(1) At the expiration of one year from the time of appointment and thereafter not less frequently than bi-annually unless otherwise ordered by the Court.

(2) Upon the ward's 18th birthday.

(3) Upon death of the ward or conservatee.

(4) Upon death, removal, or resignation of the guardian or conservator.

(5) Upon any other termination of the guardianship or conservatorship.

(6) At such other times as the Court may order.

(b) Accounts must contain the information required in Probate Code Secs. 2620 and 1060 and must be in the form of accounts for decedents' estates as set forth in these rules. If the account shows expenditures not authorized by prior order of the Court, the guardian or conservator must provide supporting declarations or testimony with respect to such expenditures before the account must be approved. An explanation of any unusual items appearing in the account should be set forth in a statement included in the petition and account.

(c) The guardian or conservator must set forth in a separate schedule all debts of the ward or conservatee known or anticipated by the guardian or conservator.

(d) The conservatee's current residence address must be set forth in each report or account.

(e) The petition and account must set forth a statement of the age, health/physical condition, activity/treatment program and whereabouts of the ward or conservatee.

(f) Where there are multiple wards or conservatees joined in a single proceeding an account must reflect a separate accounting for each of the respective wards or conservatee.

(g) All copies of the account (original, copy for Court Investigator, and copies to be endorsed and returned to attorney) must be forwarded to the Court Investigator. After completing his review, the Court Investigator must file the account and set the hearing on a date mutually agreed upon with counsel. Counsel may set the account for hearing if the Court Investigator fails to complete his review and set the same for hearing within thirty (30) days of receipt from petitioner or his counsel.

RULE 11.1807

REPORT BY COURT INVESTIGATOR

The Court Investigator must review each account filed to ascertain the correctness of the account and whether the assets are being utilized in the best interests of the conservatee or ward. The Court Investigator must file a report of his findings with the Court.

RULE 11.1808

WAIVER OF ACCOUNTING -- WHEN PERMITTED

The Court does not favor the waiver of any final accounting by a guardian or conservator. A minor may not waive an accounting. A minor who has attained majority will not be permitted to waive a final accounting except upon a showing of unusual circumstances, and then only if the minor is present in Court at the hearing on the petition for termination without an accounting.

RULE 11.1809

PAPERS TO BE DELIVERED TO COURT INVESTIGATOR

In all matters in which the Court Investigator has been appointed, the following documents must be served upon the Court Investigator:

- (a) A copy of the petition and order appointing the guardian or conservator.
- (b) A notice of every hearing involving the guardianship or conservatorship must be served at least 10 days prior to the hearing.
- (c) A copy of any report and account filed with the Court and a copy of the order approving or disapproving the account.
- (d) A copy of the order discharging the conservator of a deceased conservatee or the guardian of a deceased ward or ward reaching majority.
- (e) The address of the conservatee or ward.

RULE 11.1810

ORDER FOR COURT INVESTIGATOR'S FEES

If Court Investigator's fees are due, the Court will not sign the order approving accounting or terminating the matter until the fee is paid or waived. Probate Code Sec. 1851.5.

RULE 11.1811

POWERS AND INVESTMENTS BY GUARDIAN OR CONSERVATOR

(a) It is the policy of the Court to grant only those additional powers necessary or proper under the circumstances in each case. The Court will not routinely grant the guardian or conservator the additional powers set forth in Probate Code Sec. 2591 except on showing of good cause. Any powers so granted must be set forth at length in the order and in the letters.

(b) The investment standard set out in Probate Code Secs. 16040(a) and 16045 et seq. relating to investments by trustees, is the standard in authorizing proposed investments by guardians or conservator.

(c) Subject to the limitations set forth in Probate Code Sec. 2574(b), the guardian or conservator may invest funds in those investments described in Probate Code Sec. 2574(a) without authorization of the Court. Investments in existence at the time of the creation of the guardianship usually may be maintained.

(d) The Court will not approve the investments of funds in unsecured loans, loans to a near relative, or bonds or obligations of foreign governments or corporations, whether payable in dollars or not.

RULE 11.1812

FINAL DISCHARGE

Each order for final discharge submitted to the Court for approval must be accompanied by an affidavit of the guardian or conservator stating that distribution has been made of all property and assets of the estate in accordance with the order for distribution, that all money, stocks, bonds, and other personal property have been delivered to the distributees as ordered by the Court, that receipts of the distributees are on file, and that all acts lawfully required of him, in his representative capacity, have been performed.

San Luis Obispo Superior Court

RULE 11.1813

TERMINATION OF GUARDIANSHIP OR CONSERVATORSHIP

Upon the filing of a petition to terminate any guardianship or conservatorship, the Court Investigator must make a report to the Court concerning the circumstances of the termination and his recommendations, if any.

PART NINETEEN PROPERTY BELONGING TO MINORS

RULE 11.1901

DISPOSITION OF MINOR'S FUNDS

(a) A petition under Probate Code Secs. 3410-3413 must set forth jurisdictional facts, state the amount to be paid and by whom, the amount of fees and reimbursement of costs requested, the relief requested, and a statement of the reasons that the requested relief will best serve the interests of the minor.

(b) The petition may be presented ex parte if the only relief sought (other than reimbursement of costs and award of attorneys' fees) is to deposit funds in a blocked account and the amount involved does not exceed \$20,000. Otherwise, the petition must be noticed.

(c) Where the minor's funds are to be deposited into a blocked account, the order must provide that the person holding funds must distribute the ordered amount of fees and costs, if any, directly to the person(s) entitled thereto and disburse the balance to the selected depository, whose name and address must be specified. A hearing will be calendared in court to ensure compliance with the Court order and a personal appearance is mandatory if a receipt of deposit has not been filed. Judicial Council Forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at www.courtinfo.ca.gov. (Amended 7/1/02)

RULE 11.1902

REQUEST FOR WITHDRAWAL OF FUNDS IN BLOCKED ACCOUNT

(a) All requests or petitions for withdrawal of minor's funds deposited in a blocked account must be made to the Court and may be presented ex parte in completed form. A statement must be presented with the petition verifying the amount of each item of the proposed expenditure. Local court form "Petition for Withdrawal of Minor's Funds" is available at the Clerk's office.

(b) If the funds requested are for the support and maintenance of the minor and the petitioner is a parent, the parent must file a declaration showing the parent's financial inability or other circumstances justifying the withdrawal. See Rule 11.1604

(c) No subsequent order for withdrawal will be signed by the Court until the trustee or guardian has complied with the directions of the Court contained in prior withdrawal orders. This means that all supporting vouchers ~~are~~ and required certifications and declarations must be on file with the Clerk.

(d) Judicial Council Form MC-357, Order For Withdrawal Of Funds From Blocked Account is available at the Clerk's Office or can be found on the California Courts website and must be presented in accordance with Local Court Rule 11.501. (Amended 7/1/02)

RULE 11.1903

WITHDRAWAL ON MINOR REACHING 18 YEARS OF AGE

When a petition for withdrawal of all the funds is based upon the minor's having reached majority, a birth certificate or other satisfactory evidence of age must be presented with the petition.

**PART TWENTY
MINOR'S CLAIM**

RULE 11.2001

SETTLEMENT OF MINOR'S CLAIM

The following procedure must be followed in the settlement of the claim of a minor whether by way of compromise, covenant not to sue, or stipulated judgment ("minor's compromise").

(a) Requests for approval of minor's compromise must be heard on the Probate Calendar.

(b) The presence of the minor, the parent or guardian of the minor and counsel must be required unless excused by the Court.

(c) Current medical reports, if the matter is applicable to the physical condition of the minor, giving a diagnosis and prognosis of a minor's condition must be attached to the petition or submitted at the hearing. (Amended 7/1/02)

RULE 11.2002

ATTORNEY FEES IN MINOR'S COMPROMISE CASES

(a) A petition to compromise a minor's claim shall contain the following information:

1. A brief statement which sets forth the facts which establish liability.
2. A statement which outlines all medical treatment furnished, to date, what future medical, if any, is expected to be required and the nature and extent of any permanent injuries sustained by the minor.
3. The total medical expenses incurred by the minor to date and the estimated cost of any anticipated medical attention which will be required in the future.
4. A reasonably detailed declaration setting forth all effort expended on behalf of the minor in obtaining the settlement and how it was expended. The declaration should address any or all of the following factors:
 - a) Was the case an obvious liability and policy limits case that just needed processing?
 - b) What was the degree of difficulty involved?
 - c) How much skill was needed and employed?
 - d) How much risk was there of a poor result for the amount of work done?
 - e) How much money did the attorney advance?
 - f) How many hours of work did the attorney do?
 - g) What result was achieved?
 - h) What time elapsed between the work and getting paid the attorneys fees?
 - i) The fact that the attorney's fees is contingent on recovery.

For additional information see Niederer v. Ferriera, [1987] 189 Cal.App.3d 1485.

5. Where the injuries (damages) clearly exceed the amount of the insurance policy being offered, the statement shall also include a recitation of all steps taken to determine if any additional coverage or assets are available from which the minor could seek compensation.

6. Any additional information that may be of assistance to the court in determining if the petition should be granted or would assist the court in determining reasonable compensation for the attorney in the case.

C. Costs.

Allowable costs (CCP 1033.5) paid or incurred by the attorney will ordinarily be deducted from the judgment/settlement prior to computation of fees. (Amended 4/1/1995)

D. Structured Settlement.

If the petition for approval of a claim under Section 3500(b) of the Probate Code relates to a structured settlement calling for future periodic payments, the petition shall state the cost of the annuity. (Amended 7/1/03)

RULE 11.2003

DISTRIBUTION

(a) If the petition is approved, the Court must direct whether the funds are to be paid to a parent, to a blocked account, or to a general guardian.

(b) If the settlement order provides for a deposit in a blocked account in lieu of appointment of a guardian, the Court must continue the matter on calendar for filed verification of compliance. A personal appearance is mandatory if proof of deposit is not on file Judicial Council forms: MC-355, Order To Deposit Money Into Blocked Account, and MC-356, Receipt And Acknowledgment Of Order For The Deposit Of Money Into Blocked Account are available at the Clerk's Office or can be found on the California Courts website at www.courtinfo.ca.gov. (Amended 7/1/02)

San Luis Obispo Superior Court

APPENDIX A

**NEWSPAPERS OF GENERAL CIRCULATION
Area of Circulation Published**

The Tribune P.O. Box 112 San Luis Obispo, CA 93406	DAILY San Luis Obispo County
The Country News Press P.O. Box 427 Paso Robles, CA 93447	TWICE WEEKLY Paso Robles, Templeton, Atascadero & surrounding areas
Atascadero News P.O. Box 6068 Atascadero, CA 93423	TWICE WEEKLY Atascadero, Templeton, Santa Margarita
Five Cities Times Press-Recorder P.O. Box 460 Arroyo Grande, CA 93421	TWICE WEEKLY Arroyo Grande, Nipomo, Shell Beach, Pismo Beach, Grover Beach
The Sun Bulletin P.O. Box 1387 Morro Bay, CA 93443	WEEKLY Morro Bay, Cayucos, Los Osos, Cambria
The Cambrian P.O. Box 67 Cambria, CA 93428	WEEKLY Cambria & San Simeon
New Times 197 Santa Rosa San Luis Obispo, CA 93405	WEEKLY San Luis Obispo County

APPENDIX B

SUMMARY OF ACCOUNT

LOCAL RULE 11.901(b)

The summary must be in a format substantially the same as the following, except that inapplicable categories need not be shown:

SUMMARY OF ACCOUNT

With Principal and Income Breakdown

Petition is chargeable and is entitled to the credits, respectively, as set forth in this Summary of Account. The attached supporting schedules are incorporated herein by reference:

PRINCIPAL CHARGES

Property on Hand at Beginning of Account (or Inventories)	\$ _____
Additional Property Received (or Supplemental Inventories)	\$ _____
Gains on Sales (Schedule A)	\$ _____
Total Charges - Principal	\$ _____

PRINCIPAL CREDITS

Funeral Expenses (Schedule B)	\$ _____
Debts of Decedent (Schedule C)	\$ _____
Administration Expenses (Schedule D)	\$ _____
Losses on Sales (Schedule E)	\$ _____
Distribution of Assets per Court Order (Schedule F)	\$ _____
Estate and Inheritance Taxes (Schedule G)	\$ _____
Principal Assets on Hand (Schedule H)	\$ _____
Total Credits - Principal	\$ _____

INCOME CHARGES

Interest Received (Schedule I)	\$ _____
Dividends Received (Schedule J)	\$ _____
Rents Received (Schedule K)	\$ _____
Royalties Received (Schedule L)	\$ _____
Total Charges - Income	\$ _____

INCOME CREDITS

Accounting Fees Paid in Connection with Income (Schedule M)	\$ _____
Real Estate Taxes Paid (Schedule N)	\$ _____
Ordinary Repairs Paid (Schedule O)	\$ _____
Insurance Premiums Paid on Income Property (Schedule P)	\$ _____
Utilities Paid (Schedule Q)	\$ _____
Income Distributed (Schedule R)	\$ _____
Income on Hand (Schedule S)	\$ _____
Total Credits - Income	\$ _____

San Luis Obispo Superior Court

APPENDIX C
EXAMPLE OF STATUTORY FEE COMPUTATION
(RULE 11.1003)

Assets as per Inventory	\$	_____
Receipts (Schedule A)	\$	_____
Gains on Sales (Schedule B)	\$	_____
Subtotal	\$	_____
Less:		
Losses on Sales (Schedule C)	\$	_____
TOTAL ESTATE ACCOUNTED FOR	\$	_____

Computation

4% on first	\$	15,000	\$	_____
3% on next	\$	85,000	\$	_____
2% on next	\$	900,000	\$	_____
1% on next	\$	9,000,000	\$	_____
.5% on next	\$	15,000,000	\$	_____
In excess of	\$	25,000,000	Per Court Order	_____

San Luis Obispo Superior Court

APPENDIX D Local Rule 11.100

Checklist: “Ordinary” Services

CEB - California Decedent Estate Practices §20.14

_____ Meeting with the client to review the will and discuss the petition for probate, assets and liabilities, beneficiaries, notices, etc.

_____ Preparing Petition for Letters of Special Administration, if ex parte (if contested, extraordinary fees to the attorney for the appointed special administrator may be petitioned for if shown to be beneficial to the estate).

_____ Preparing petition for probate and related papers to appoint the representative, including locating the will and beneficiaries.

_____ Ordering publication and mailing of Notice of Petition to Administer Estate.

_____ Preparing and service Notice to Petition to Administer Estate if in a county where mailing of notice not handled by legal newspaper or if additional beneficiaries discovered and a supplement must be filed.

_____ Preparing required supplements or declarations.

_____ Preparing separate petition for authority under the Independent Administration of Estates Act.

_____ Preparing Petition for Appointment of Successor Representative and Order for Limited Republication.

_____ Preparing Inventory and Appraisal.

_____ Preparing Petition for Family Allowance (although it is not the representative's duty to file such a petition, and attorneys' fees may be billed directly to the nonrepresentative petitioner).

_____ Handling debts and creditors' claims, including acceptance, rejection, and payment (unless disputes arise that require compromise or litigation).

_____ Preparing status report under Probate Code Secs. §§12200 - 12205, unless multiple reports are necessary.

_____ Preparing petition on interim accounts and reports.

_____ Preparing petition for fees.

_____ Preparing final account and report and petition for compensation, fees, extraordinary compensation, and final distribution.

_____ Preparing required notices.

_____ Preparing required attorney orders.

San Luis Obispo Superior Court

_____ Supervising distribution, preparation of receipts of distributees, and discharge of representative.

_____ Determining expenses, including local telephone calls, normal postage, and secretarial services.

**CHAPTER 12.
JUVENILE CALENDAR PROCEDURES**

RULE 12.00

DESIGNATION AND JURISDICTION

The department of the court designated to conduct juvenile proceedings must be known and referred to as the "Juvenile Court" and must exercise the jurisdiction conferred by Division 2, Part 1, Chapter 2 of the Welfare and Institutions Code. (Amended 7/1/02)

RULE 12.01

JUVENILE COURT

The presiding judge of the juvenile court must, with the concurrence of the other judges, establish policies and procedures relating to all juvenile court matters. The presiding judge of the juvenile court may appoint an advisory committee to assist in exercising these duties. The juvenile court must follow the juvenile court rules adopted by the Judicial Council of California. Local practice and procedures not otherwise inconsistent with the Judicial Council rules are set forth below. The presiding judge of the juvenile court must establish schedules, policies and procedures relating to all juvenile court matters calculated to improve the administration of justice in the juvenile court and make the most efficient use of the time of the court, the referee, counsel, probation officers and law enforcement personnel. In so doing, all possible consideration must be given to the welfare of the minors and the convenience of concerned parents and witnesses. (Amended 7/1/02)

RULE 12.02

FACILITIES FOR DETENTION OF MINORS

Minors taken into temporary custody as persons described by Sections 300 or 601 of the Welfare and Institutions Code must be delivered to and detained at San Luis Obispo County Department of Social Services shelter care homes for Section 300 minors, and to a San Luis Obispo County Probation Department designated non-secure detention facility for Section 601 minors. (Amended 7/1/02)

RULE 12.03

TRANSPORTATION OF MINORS TO SHELTER CARE HOMES, JUVENILE HALLS, NON-SECURE DETENTION FACILITIES

Minors taken into custody for detention at the 601 facility or Juvenile Service Center for 602 processing must be transported by the law enforcement agency which has taken the minor into custody; provided, however, that in instances of bona fide emergency or in instances where a Probation Officer has volunteered to accept responsibility for transportation of the minor, the law enforcement agency must be deemed relieved of said transportation responsibility. The law enforcement agency must still be responsible for providing the Juvenile Admission Record as set forth in Rule 12.04 below.

Minors taken into custody for detention at the San Luis Obispo County Department of Social Services shelter care home for Sec. 300 minors must be transported by Child Protective Services workers except in instances where the minor is actively resisting removal and should be transported in a law enforcement vehicle, or under circumstances where law enforcement already has taken the minor for the place of removal and volunteers to transport. The Child Protective Services worker remains responsible for signing the minor in the shelter care home and providing information as to the time the minor was taken into protective custody, the circumstances of his or her removal, and the name of the social worker to contact concerning the minor thereafter. (Amended 7/1/02)

RULE 12.04

INFORMATION TO BE PROVIDED BY LAW ENFORCEMENT OFFICERS AT TIME OF DELIVERY OF MINOR TO SHELTER CARE HOME, JUVENILE HALL, NON-SECURE DETENTION FACILITIES

On each occasion that a minor is delivered to any of the above-named facilities, a Juvenile Admission Record form must either accompany the minor or be completed at the time of transfer of custody. The Juvenile Admission Record form must be filled out by a law enforcement officer having knowledge as to the facts subjecting the minor to juvenile court jurisdiction, the facts of the apprehension and temporary custody of the minor, and, if continued detention is recommended by the law enforcement agency, the basis of such recommendation. The Juvenile Admission record form is to be left with the Juvenile Hall Receiving Officer or the operator of either the shelter care home or non-secure facility as is appropriate. (See "Sample A - Juvenile Admission Form" at the end of this chapter). (Amended 7/1/02)

RULE 12.05

FILING OF PETITIONS & TRANSFER - INS WITH CLERK

(a) All petitions except fax filings, must be filed at the court clerk's offices at the County Government Center at any time during the normal business hours of such offices.

(b) Notwithstanding any other rule to the contrary and in consonance with the provisions of CRC1406.5, the juvenile court will permit fax filings on an experimental basis as limited below:

(1) Agencies permitted to file by fax are limited to the Department of Social Services, the Probation Department and the Office of the District Attorney.

(2) Documents which may be filed by fax are limited to petitions filed under Welfare & Institutions Code sections 300, 601, 342, 387, 388, 777, and 778.

(3) Petitions may be faxed to the juvenile court at any hour and will be deemed filed on the date and time of receipt and the clerk of the court is authorized to affix a file stamp with the date and time of receipt.

(4) The presiding judge of the juvenile court is authorized to modify (1) and (2) above when circumstances of the fax filing experiment prove that additional persons, agencies and documents may be accommodated by the clerk's office without difficulty. (Eff. 7/1/99)

RULE 12.06

REFEREES

The judges of the Superior Court of California, County of San Luis Obispo may appoint from time to time one or more referees to serve at their pleasure on a full-time or part-time basis. Notwithstanding the provisions of Welfare and Institutions Code Section 553, it must be the policy of this court that all judges of this court will actively participate in the selection, appointment and proceedings terminating the appointment of juvenile court referees. A commissioner of the court may be appointed to also serve in the capacity of a Juvenile Referee.

A referee must conduct hearings, make orders and be bound by such rules as are prescribed by the Juvenile Court Law and as set forth in such orders for such purpose as the presiding judge of the juvenile court may, from time to time, promulgate. The referee is designated as the proper person before whom an appearance must be made pursuant to a written promise to appear issued as to any person under the age of 18 years under the provisions of Sections 40500 and 40502 of the Vehicle Code. (Amended 7/1/02)

RULE 12.07

TRAFFIC HEARING OFFICERS

The judges of the Superior Court of California, County of San Luis Obispo may appoint from time to time one or more traffic hearing officers to serve at their pleasure on a full-time or part-time basis. A traffic hearing officer must hear and dispose of all cases in which he or she may act as prescribed by the Juvenile Court Law subject to the orders of the presiding judge of the juvenile court excepting those he or she deems should be transferred for hearing to the juvenile court judge or referee. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 12.08

RELEASE OF INFORMATION

Information concerning the identity of persons suspected, detained or charged as being within Sections 300, 601 or 602 of the Welfare and Institutions Code must be released only to the extent and subject to the qualifications provided in Section 827 of the Welfare & Institutions Code or by an order of presiding judge of the juvenile court or juvenile court referee. Upon application for the release of a minor's juvenile records by the parties to a family law action, the juvenile court may at its discretion direct on the minute order of the court that the family law judicial officer will conduct the ex parte review of the juvenile court records pursuant to either Welfare and Institutions code section 827 or Family Law code section 3152. (Amended 7/1/02)

RULE 12.09

CALENDARS

Juvenile court calendars must be set and called at such times as are prescribed by the presiding judge or the presiding judge of the juvenile court. Except as otherwise provided by the juvenile court judge or referee, all calendar matters will be heard at the courtroom at the Juvenile Services Center. (Amended 7/1/02)

RULE 12.12

REPORTS

Consistent with the practices prescribed in Rules 1371 (b) and 1376 (c) of the California Rules of Court, social study reports, whether prepared by the probation department or the department of social services, must be made available to the juvenile court and all parties, or counsel. If the social study report has an accompanying psychological evaluation, copies of the evaluations must accompany only those reports going to counsel and the court. Counsel for the parties will determine if release to counsel's client is appropriate or, in the alternative, whether a discussion summarizing the evaluation would be in the party's best interest. As in the case of petitions, social study reports may be filed at the clerk's offices in San Luis Obispo at any time during the normal business hours of such office. The county clerk's office must mark all such reports with a date and time stamp immediately upon receipt. (Amended 7/1/02)

RULE 12.13

MOTIONS

The notice of motion designating a motion pursuant to Welfare and Institution Code Section 701 must specifically describe and list the evidence which is the subject of the motion to suppress; and must specifically state the theory or theories which must be relied upon and urged for the suppression of the evidence; and cite the specific authority or authorities which will be offered in support of the theory or theories upon which suppression of the evidence is urged when a search is based upon a warrant. (Amended 7/1/02)

CHAPTER 13. MENTAL HEALTH CALENDAR PROCEDURES

RULE 13.00

PROCEEDINGS

The department designated to hear psychiatric proceedings must conduct all proceedings in the following matters and such other matters as may be specially assigned to it by the presiding judge.

(a) Pursuant to Article 2 of Chapter 1 of Division 3 of the Welfare and Institutions Code, commencing with Section 3050, the receipt of reports and the conduct of a hearing for involuntary commitment of a person alleged to be a narcotic addict who has been convicted of a crime:

(b) Pursuant to Article 3 of Chapter 1 of Division 3 of the Welfare and Institutions Code, commencing with Section 3100, the receipt of reports and the conduct of a hearing for

San Luis Obispo Superior Court

involuntary commitment of a person alleged to be a narcotic addict who has been convicted of a crime;

(c) A proceeding of any kind for the evaluation or involuntary treatment of a person pursuant to Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, commencing with Section 5150;

(d) A conservatorship proceeding pursuant to Chapter 3 of Part 1 of Division 5 of the Welfare and Institutions Code, commencing with Section 5350;

(e) A proceeding arising for a petition for the commitment of an alleged mentally retarded and dangerous person pursuant to Article 2 of Chapter 2 of Division 6 of the Welfare and Institutions Code, commencing with Section 6500;

(f) A proceeding arising from a petition for the commitment of an alleged mentally disordered or mentally retarded juvenile court ward pursuant to Article 3 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, commencing with Section 6500;

(g) A proceeding of any kind arising from a petition for the commitment of an alleged mentally disorder sex offender pursuant to former Article 1 of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code commencing with Section 6300;

(h) A proceeding of any kind for the commitment or placement of a person alleged to be mentally retarded;

(i) A habeas corpus proceeding file by or on behalf of any person being held by an institution, public or private, including all proceedings pursuant to Article 4 of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code, commencing with Section 5250.

(j) Proceedings for administering medications involuntarily to a person detained in a county or state facility ("Keith Brown", "Keyhea" or "Reise" hearings).

(k) Proceedings seeking to have a parolee treated by the Department of Mental Health pursuant to Penal Code sections 2960, et seq, or to extend treatment pursuant to Penal Code sections 2970, et seq, will be heard by the felony team. (Eff. 1/1/98)

RULE 13.01

JURY TRIAL AND MATTER WHICH MAY BE TRANSFERRED

In a case in which the subject person is entitled to and makes timely demand for a jury trial, the judge conducting the psychiatric proceeding will conduct the trial. (Eff. 1/1/98)

RULE 13.02

INVOLUNTARY MEDICATION

Upon the filing of a writ of habeas corpus pursuant to Welfare and Institutions Code Section 5275, the agency filing the notice of certification signed and issued pursuant to Welfare and Institutions Code Section 5251 must include, as part of the certification filed with the court a statement of the necessity of the administration of psychotropic medication. If the petitioner is unwilling or incompetent to accept medication which is medically indicated, the agency must, as part of the request for an order for 14 days intensive treatment, seek an order for provision of such medication on an involuntary basis.

CHAPTER 14. APPELLATE CALENDAR PROCEDURES

RULE 14.00

SESSIONS

Regular sessions of the Appellate Division of the Superior Court of California, County of San Luis Obispo must be held each calendar month at a date, time and place specified in the general calendar. Special sessions must be held at the call of the presiding judge of the Appellate Division.

RULE 14.01

BRIEFS

Briefs not exceeding 15 pages in length must be prepared, served and filed as provided by Rule 105 of the California Rules of Court. Counsel must prepare three carbon or photographic copies of each original brief for the assistance of the judges of the court and deliver them to the clerk of the court at the time such original brief is filed.

RULE 14.02

ORAL ARGUMENT

Counsel will be allowed a maximum of 15 minutes for each oral argument unless for good cause shown the court should otherwise order. The appellant or the moving party must have the right to open and close the argument.

RULE 14.03

RULE 190 ORDERS TO SHOW CAUSE

If the appellant fails to file an opening brief or perfect the record within the applicable time limits, 22 days before the day scheduled for hearing an order to show cause must issue requiring the appellant to show cause to the court why the appeal should not be dismissed pursuant to the provisions of California Rules of Court, Rule 190. The hearing on the order to show cause must be set at the same time as the time scheduled for arguments on the appeal. (Eff. 1/1/98)

RULE 14.04

SETTLED STATEMENTS ON APPEAL

Upon filing a notice of appeal, trial counsel for appellant must:

- 1) Within 15 days file a proposed statement on appeal;
- 2) Within 45 days notice a hearing to settle its statement on appeal; and

If appellant, represented by appointed counsel at trial, seeks counsel appointed for the appeal, trial counsel must cause a financial declaration of indigency to be filed. If appellant was either not represented at trial or was represented by private trial counsel, appellant (if not represented at trial) or trial counsel must cause a financial declaration of indigency to be filed, and must file such supporting documents as required by the California Court of Appeal, District 2, Division 6, for appeals filed in that court. Appellant (if unrepresented at trial) or trial counsel must therewith file with the court a request that counsel be appointed for the appeal. The trial court must appoint counsel for the appeal or not in its discretion using generally the criteria contained in California Rules of Court rule 985. (Eff. 7/1/99)

RULE 14.05

WRIT JURISDICTION

(a) The appellate division has jurisdiction over all petitions for writs of mandate, prohibition and review (certiorari) in any misdemeanor, limited civil or infraction case. (Code of Civil Procedure §1068(b), 1085(b) and 1103(b).) A panel of three judges participate in each petition for writs of mandate, prohibition and review (certiorari) in any misdemeanor, or infraction case, or limited civil case. The court may:

- (1) Continue the matter and request supplementary documents or preliminary opposition;
- (2) Summarily deny the writ without hearing;
- (3) Notify the parties of the court's intention to issue the peremptory writ in the first instance (Palma vs. U.S. Industrial Fasteners, Inc. (1984) 36 Cal. 3d 171; or
- (4) Issue an alternative writ or order to show cause and set the matter for hearing, after which, a decision will be made. If an alternative writ is issued, petitioner must serve the writ on all other parties. (Amended 7/1/02)

**CHAPTER 15.
EX PARTE ORDER PROCEDURES**

RULE 15.00

APPLICATION FOR EX PARTE ORDER

(a) Notice Requirements

Except as provided by California Rules of Court section 1285.05 and/or Code of Civil Procedure section 527.6, a party seeking an ex parte order must notify the opposing party or parties of the request. Such notification shall take place no later than 10:00 a.m. the court day before the ex parte appearance, absent a showing of exceptional circumstances. **(b)**

Special Notice Requirements

An application for an ex parte order must contain a statement of any requests for special notice that have been filed or an allegation that no special notice has been requested. If any such notice has been requested, a waiver thereof must accompany the application. If the application does not comply with the foregoing, it must be first presented to the clerk's office for a clearance as to special notices.

(c) Appointments

Where the matter requires a conference between the applicant or his or her counsel and a judge, before notifying an opposing party of an ex parte request, the applicant must obtain a scheduled appointment with the judge assigned to hear the request. The applicant must call the judge's secretary for the purpose of requesting the appointment. In Family Law matters the request must be made to the clerk's office at (805) 781-1373.

(d) Nonappearance Ex Parte Applications

All nonappearance ex parte applications and orders must be delivered to the clerk's office for presentation to a judge in the regular course of business. The clerk must expedite emergency matters upon request. All applications and orders for appearance ex parte matters must be presented to the superior court secretary in Room 355 on the day and time scheduled for the ex parte hearing.

(e) Emergency Nature of Request

The evidentiary declaration must contain facts which demonstrate why the matter is appropriately handled as an ex parte matter, as opposed to being heard on the court's law and motion calendar (with or without an order shortening time). (Amended 7/1/03)

RULE 15.01

TO WHOM PRESENTED

Except as otherwise specifically provided by these rules, an application for an ex parte order must be presented as follows:

(a) An application for a writ of mandate or prohibition must be presented to the following judges under the following circumstances:

(1) Writ seeking action in a misdemeanor, infraction, or limited civil proceeding - to the Presiding Judge of the Appellate Division

(2) Writ seeking action in an administrative proceeding (for example, city council, Coastal Commission), except Department of Motor Vehicles implied consent license proceedings, -- to the civil judge randomly chosen in the usual fashion for assignment of all civil cases

(3) Writ seeking action in a Department of Motor Vehicles implied consent license proceeding -- to the felony judge assigned pursuant to the usual system of assignment based on the name of the petitioner.

(b) An application involving a juvenile court matter must be presented first to the juvenile court referee in cases in which she or he is authorized to act or the presiding judge of the juvenile court.

(c) An application involving an order to show cause in a domestic relations matter must be presented first to one of the family law commissioners in cases in which he or she is authorized to act and then to the family law presiding judge.

San Luis Obispo Superior Court

(d) An application involving a probate matter must be presented to the judge presiding in the probate department.

(e) An application involving a matter pending before a particular judge must be presented to that judge.

(f) All other applications must be presented to the presiding judge or designee.

(g) If the judge to whom an application should be presented under this rule is unavailable or disqualified, or in cases of emergency, the application may be presented to any available judge or the Assistant presiding judge if he or she is available. (Amended 7/1/01)

RULE 15.03

FILING OF APPLICATIONS AND ORDERS

(a) Applications for ex parte orders must be accompanied by a proposed order. Absence of a proposed order for appearance ex parte matters may necessitate rescheduling the ex parte hearing. (Eff. 1/1/98)

CHAPTER 16. JURY SERVICES

RULE 16.00

PURPOSE

These rules are established for the purpose of complying with and implementing the California Code of Civil Procedure, the Standards of Judicial Administration, and the California Rules of Court relating to the selection of jurors and the formation of jury trials in San Luis Obispo County. (Eff. 1/1/98)

RULE 16.01

JURY COMMISSIONER

(a) Appointment

In the opinion of a majority of the judges, the business of the court requires the appointment of a Jury Commissioner. Pursuant to section 204.1 of the Code of Civil Procedure, the judges have appointed a Jury Commissioner for San Luis Obispo County who shall have the authority, duties, and responsibilities to perform the functions as provided for by section 204.1 CCP and by these rules.

(b) Designation as "Attache"

The Jury Commissioner is designated as the "attache" of the court to perform the functions set forth in sections 204.3 (a) and (b), 204.5 (a) and (b), and 225 of the Code of Civil Procedure, and 903.1 of the California Penal Code. All assistants to the Jury Commissioner are designated as "attaches" of the court to perform the functions set forth in sections 204.3 and 225 CCP and for the purpose of granting or denying excuses for prospective jurors under 201 (a) CCP.

RULE 16.02

JUROR SELECTION

The Jury Commissioner may use mechanical, electric, or electronic equipment in the performance of any function for the selection and drawing of jurors by lot. Section 202 CCP.

(a) Source List

The most current San Luis Obispo voter registration file, combined with the Department of Motor Vehicle file of licensed drivers and identification card-holders who are 18 years of age and older, ~~must~~ will constitute the sources from which prospective jurors will be selected. Section 197 CCP.

(b) Master Jury File

The Jury Commissioner ~~must~~ will have a new master jury file prepared at least once during any consecutive 12 months. The number of names to be placed on such master jury file ~~must~~ will be determined by the Jury Commissioner. Section 198 CCP.

San Luis Obispo Superior Court

(1) The master jury file must be used for the selection of trial jurors in cases tried in all departments of the court. Section 203.1 CCP and these rules.

(c) Random Selection of Prospective Jurors

The plan for random selection must be designed by Jury Systems Incorporated (JSI), the Jury Management System contracted with the San Luis Obispo Superior Court, upon the approval of the Jury Commissioner, to ensure that a fair cross section of the eligible persons residing in San Luis Obispo County are selected and that random key numbers are generated and assigned for each prospective juror. Sections 219 and 222.

(d) Selection and Summoning Process

The summoning and qualifying of prospective jurors from the master jury file will be performed as one integrated process and ensure random selection from a fair cross section of the population served by the court. Section 197 CCP. (Amended 1/1/04)

RULE 16.03

DISQUALIFICATION, EXEMPTION, EXCUSE, DEFERMENT OF JURORS

The Jury Commissioner, an assistant to the Jury Commissioner, or the court must determine the statutory disqualification or exemption of a prospective juror as defined by sections 203 or 204 of the Code of Civil Procedure. When a prospective trial juror may be excused from jury service under section 200 or the Code of Civil Procedure, provisions of the Standards of Judicial Administration 4.5 and these rules must apply.

(a) Excuse Policy

A prospective juror qualifies for excuse from service on the basis of one of the categories set forth in the statutes of the California Civil Code of Procedure section 203, section 4.5 of the Standards of Judicial Administration, and these rules, as determined by the Jury Commissioner and/or the presiding judge of the court.

(1) Procedure for Granting Excuse from Jury Service

A request for excuse from jury service must be addressed to the Jury Commissioner, in writing, and submitted for determination prior to the appearance date, unless the excuse is granted in court the day of the trial. All requests for excuse by a prospective juror will be fairly reviewed and all relevant information will be considered. A prospective juror may be personally interviewed if it is determined necessary or desirable to do so by the Jury Commissioner. The Jury Commissioner may refer any request to the presiding judge for his/her determination.

(b) Deferral Policy

It is the intent of these rules and the policy of the court that, if a juror is excused for a reason that is temporary in nature, jury service must be deferred to future date when the disqualification no longer exists. (Amended 7/1/02)

RULE 16.05

PANEL SELECTION

All prospective jurors summoned for the court must be selected from the master jury file. The Jury Commissioner will determine the number of prospective jurors to assign for each case based on the type of case, number of defendants, and the length of time the case is estimated to last, after consultation with the trial judge or court clerk.

(a) Special Venires

The Jury Commissioner, after receiving notification that a case will require a special venire, will confer with the presiding judge and/or assigned trial judge before ordering jurors to appear.

(b) Supplemental Panels

Should a judge require a supplemental panel of prospective trial jurors, such panel will be prepared in the same manner as the first panel was selected. Section 226 CCP.

(c) Trial Jury Assignments

Upon each appearance of a juror in either the jury assembly room or a department of the court, a record of attendance must be maintained by the Jury commissioner or courtroom clerk. (Effective 7/1/99)

RULE 16.06

TERM OF SERVICE, TRIAL JUROR PER DIEM AND MILEAGE FEE

Pursuant to state law and by order of the Judicial Council, the fees of jurors in the Courts of this county, in both civil and criminal cases, must be \$15 a day for each day's service, commencing on the second day of service as a juror and 17 cents for each mile actually traveled in attending court as a juror. In addition, a juror must not be required to serve more than five court days during any 12-month period, except as necessary to complete the hearing of an action.

(a) In General

At no time shall the members of the jury be informed as to which party is paying fees, mileage, or other costs for civil cases.

(1) Deposit of Fees

Jury fees, as provided by statute, must be deposited with the Clerk of the Court by the party demanding the jury (except for eminent domain cases) after the case has been set for trial at the pretrial or trial setting conference and not later than 25 days prior to the date of trial. During the trial, it must be the duty of the party demanding the jury to pay the Jury Commissioner's office daily, in advance, the per diem jury fees and mileage required by law for each successive day of service of the jurors impaneled in the case during the trial. The Jury Commissioner's Office ~~shall have~~ has the duty to collect such fees and mileage for deposit in the Clerk's civil trust fund. Sections 631, 631.3, and 631.5 CCP.

(2) Forfeiture of Deposit

If the case is settled or the jury has waived or the case goes off calendar for whatever reason, or the case is continued for trial on motion of the party depositing the jury fees, none of the deposit shall be refunded if the court finds there has been insufficient time to notify the jurors that the trial would not proceed at the time set. All fees determined to be retained pursuant to this rule must be transferred to the State of California.

(b) Telephone Standby

In order to control the number of jurors appearing for jury duty and to prevent juror overcall, jurors will be placed on telephone standby when they are summoned.

(1) Any prospective juror or alternate juror may be placed on telephone stand-by to be available on one-hour notice by phone. (Amended 1/1/04)

RULE 16.07

JUROR INFORMATION

The Jury Commissioner must not disclose information regarding jurors unless the information is required for the selection of trial jurors, except by order of the court. Section 237 CCP. (Eff. 1/1/98)

RULE 16.08

SELECTION OF GRAND JURORS

Annually, upon request by the presiding judge of the Superior Court of California, County of San Luis Obispo, the Jury Commissioner must furnish the judges of the court a list of qualified prospective grand jurors. Sections 903, 903.1, 903.2, 903.3, and 903.4 of the California Penal Code.

(a) Qualification of Jurors

The Jury Commissioner must inquire and be informed of the qualifications of persons who will be summoned before the court for grand jury service. Section 903.1 PC.(1) The Jury Commissioner must be satisfied that a person is qualified to serve as a grand juror before he or she is sworn. Section 909 PC.

(b) Submission of List and Names not on List

The Jury Commissioner must submit a list of recommended prospective grand jurors to the court for examination and selection by the judges of the court. Section 903.3 PC.

(1) The judges are not required to select any names from the list returned by the Jury Commissioner but may, instead, select from among the body of persons in the county suitable and competent to serve as grand jurors. Section 903.4 PC.

San Luis Obispo Superior Court

(i) Nominations by the judges will be submitted to the presiding judge on or before June 1.

(2) The judges of the court must meet during June of each year and, by majority vote therefor, select the members of the panel from which the grand jurors to serve during the ensuing fiscal year must be selected. The court will then submit a copy of the names to the Jury Commissioner and the Clerk for publication. Sections 899 and 900 PC.

(c) Annual Drawing, Number of Jurors, Length of Service

One grand jury must be drawn and impaneled each year. The grand jury must consist of not less than 25 nor more than 30 persons. Sections 904 and 905 PC.

(1) Each year an order must be made and filed with the Clerk of the Court directing a grand jury to be drawn, and the time at which the drawing will take place. The grand jury may be selected to serve from either a fiscal year or calendar year term. Sections 904, 905 PC.

(2) The San Luis Obispo County Grand Jury will serve from July 1 to June 30 of each fiscal year and be comprised of 19 persons and 11 alternates. Section 906 and 908 PC.

(i) If more or less persons necessary appear for the selection process, the court may apply section 908 of the Penal Code.

(d) Grand Juror Fees and Expenses

(Repealed 7/1/2002)

(e) Selection of Foreperson

The judges of the court must, upon impanelment of the grand jury, select one of the grand jurors as foreperson by majority vote. If for any reason the foreperson is unable to continue service as such a replacement, the foreperson must be selected from the remaining grand jurors by majority vote of the court promptly after the vacancy becomes known.

(f) Removal of Foreperson

The judges of the court may, by majority vote of all the judges attending a meeting called for that purpose, discharge the foreperson of the grand jury. Upon such vote being recorded, there is a vacancy in the office of foreperson of the grand jury which must be filled by appointment of a new foreperson pursuant to the provisions of Penal Code Section 912.

(g) Additional Grand Jury Impanelment

Upon request of the presiding judge the Jury Commissioner must furnish a list of qualified prospective grand jurors to form special grand juries. PC 904.6. (Amended 7/1/02)

RULE 16.09

JURY DISTRICTS

Prospective trial jurors for the Paso Robles and Grover Beach court locations must be summoned from the jury districts of such courts. The jury district for the Paso Robles Court location must be bounded by Justice Court Judicial Districts 1 and 5; the jury district of the Grover Beach Court location must be bounded by Justice Court Judicial Districts 2 and 3; provided, however, that nothing shall preclude the exercise of discretion by the jury commissioner in selecting trial jurors when the former justice court judicial district boundaries do not physically correspond with the present location of court facilities. The San Luis Obispo Branch must use a county-wide jury panel. (Amended 7/1/01)

CHAPTER 18. VERBATIM COURT REPORTING SERVICES

RULE 18.00

COURT REPORTERS

(a) The court's official court reporters ~~must~~ constitute the Reporting Services section of the Court, in accordance with applicable statutes and rules, under the general direction of the presiding judge and the Court Executive Officer. Official and pro tempore court reports must make such reports to the California Judicial Council (Administrative Office of the Courts) and to

San Luis Obispo Superior Court

the Court Executive Officer of this Court, as provided by statutes and by rules of court, and as otherwise directed by the Court Executive Officer.

(b) Availability of Official Court Reporting Services

Official court reporting services must be provided in all felony criminal and juvenile dependency and delinquency proceedings. Official reporting services will also ~~must~~ be provided at the request of the Court or the parties for the following proceedings, subject to the availability of an official court reporter: family law trials, family support proceedings, unlimited jurisdiction civil trials, civil law and motion, probate, adoption, and mental health proceedings. Official reporting services are not available for the following proceedings: ~~appeals to the Appellate Division of the Superior Court~~, small claims cases, infraction criminal proceedings, misdemeanor criminal proceedings, limited jurisdiction civil trials, misdemeanor appeals, and small claims trial de novos.

(c) Court Reporting Services Arranged by the Parties

If official reporting services have been requested and are normally available for a proceeding under subpart b, and it appears that an official reporter will not be available for the proceeding, the clerk must notify the parties as soon as possible prior to the trial or hearing date. When official reporting services are not available for a proceeding, the parties may arrange for the attendance of a certified shorthand reporter to serve as an official pro tem reporter pursuant to Rule 891 of the California Rules of Court. If a party arranges and pays for the attendance of a pro tem reporter at a hearing or trial because of the unavailability of official reporting services, the parties must not be charged the fee for official reporting services provided for in Government Code Section 68086(b)(1). (Amended 1/1/2004)

RULE 18.01

PRO TEMPORE REPORTERS

In order that the judicial business of the court may be diligently carried on and a particular matter may proceed to trial or hearing without delay, a pro tempore official reporter may be appointed to perform the duties of a phonographic reporter in such matter, or until a regular official reporter becomes available for such service. A pro tempore official reporter for such service may be appointed by the presiding judge of the court and the judge or referee presiding in the department where such reporter will serve. The compensation and costs of the pro tempore official reporters must be as provided in Government Code section 70059.9.

RULE 18.02

ELECTRONIC RECORDING OF COURT PROCEEDINGS

When a court reporter is not present, court proceedings may be electronically recorded by court personnel in cases involving misdemeanors, limited jurisdiction civil and selected unlimited civil cases.

CHAPTER 19.

FAMILY LAW DEPARTMENT PROCEDURES AND POLICIES

RULE 19.00

RULES AND MANUAL OF POLICIES AND PROCEDURES

The California Rules of Court, Local Rules and the San Luis Obispo County Family Law Section Manual of Policies and Procedures are intended to provide uniformity in the practice and procedures among the departments hearing family law matters in San Luis Obispo County. Attorneys and unrepresented litigants (also known as pro pers) should familiarize themselves and comply with the guidelines set forth in this material.

A copy of the San Luis Obispo Family Law Section Manual of Policies and Procedures is available at the Clerk's Office for review as well as the court's website at www.slocourts.net. The Clerk's Office is located at 1035 Palm Street, San Luis Obispo, California. The Manual of Policies and Procedures provides detailed information on suggested approaches to substantive

San Luis Obispo Superior Court

issues as well as the structure, calendaring, and resolution of family law matters. (Amended 7/1/012)

RULE 19.01

COURT LOCATION

The Family Law Department is located on the third floor of the County Government Center at 1035 Palm Street, San Luis Obispo, California. The calendar may be called in any department on assigned dates. Counsel and self-represented litigants should check with the Clerk's Office to ascertain the department hearing family law assignments on a given date. (Amended 7/1/02)

RULE 19.02

PROOF OF SERVICE

Proof of service should be filed prior to hearing with the clerk's office. If a responding party fails to appear at a hearing, the moving party must immediately submit proof of timely service to the court; otherwise, the matter will be taken off calendar. The matter may be dropped from calendar for failure to timely file proof of service.

RULE 19.03

USE OF JUDICIAL COUNCIL FORMS AND DOUBLE SPACING REQUIREMENT

All documents filed for matters pending in the Family Law Department must be on forms prescribed or provided by the Judicial Council. All other documents must be ~~typed and~~ double spaced. ~~Any handwritten documents must be retyped and double spaced.~~ Documents include, but are not limited to, declarations and points and authorities. (Amended 1/1/04)

RULE 19.04

ALTERNATIVE DISPUTE RESOLUTION

Each party to a family law action must be informed that Alternative Dispute Resolution (ADR) is an option to litigation. Notice must be in the form of an information sheet "Alternative Dispute Resolution in Domestic Relations Cases", which is available in the clerk's office. Notice must be served at the time the first documents served on a party and the proof of service must be filed. The Petitioner/Plaintiff must review the information prior to service on the Respondent/Defendant. Notice of the information does not need to be served on an employee pension benefit plan. (Amended 7/1/02)

RULE 19.05

CUSTODY EVALUATIONS

a) The Superior Court of the County of San Luis Obispo adopts this rule pursuant to California Rules of Court ~~1257.3~~ 5.220(d). This rule may be modified by the Superior Court and published pursuant to Rules of Court.

(b) In all cases, prior to or concurrent with the signing of an order under this section, the parties will be informed that Alternative Dispute Resolution (ADR) is an option to litigation.

(c) A peremptory challenge of a court appointed evaluator who is employed by Family Court Services is not allowed. However, if a private evaluator is appointed and one of the parties wants to challenge the appointment, they must make the challenge at the earliest opportunity. If the appointment is made in open court, any challenge must be made at that time. The challenge may be made in a responsive declaration to an application for such an order. The parties or the court may request that an objection may be made in a letter to the Court within seven calendar days. One peremptory challenge is allowed per party (using the standards of CCP 170.6); challenges for cause are not limited.

(d) Any evaluator appointed, whether a court employee or private evaluator may petition the court to withdraw from the case for cause, which may include, but is not necessarily limited to conflict of interest, time constraints or health reasons. An evaluator should expect to complete the evaluation within ninety days, assuming cooperation from the parties.

San Luis Obispo Superior Court

(e) Any complaints regarding a private evaluator's performance must be presented to the presiding Family Law judge who will refer the complaint to a committee which must consist of one judicial officer appointed by the Family Law presiding judge, one member of the county Family Law Section appointed by the President of the Family Law Bar Section, and the supervisor of Family Court Services, hereinafter known as the "Committee". The committee members will serve for one calendar year commencing on January 1st of each year. These complaints and the entire review process must be strictly confidential.

(f) **Ex-parte communications:** No one must communicate with the evaluator except in written form except to schedule an appointment and during a scheduled appointment. The evaluator must have all written communications available for review at a deposition or at trial.

(g) Prior to the commencement of the evaluation, the evaluator must be provided a copy of the court order which specifies the specific code section wherein the evaluator is appointed, e.g., (1) Evidence Code §730, (2) Family Code §3111, or (3) Code of Civil Procedure §2032.

(h) Evaluations may include psychological and other testing, or may be only a custody analysis without testing. Limited evaluations to specific issues may be ordered, and if so, the evaluator must restrict review to the terms of the order. If the evaluation is performed by a psychologist and is pre-judgment, the presumption is that it will include psychological testing and the collection of all available information for a full evaluation. If the evaluation is post-judgment, the presumption is that it will not include psychological testing and is confined to limited issues. If the evaluator believes more information is necessary, a request should be made to the judicial officer who signed the order for the evaluation. This request should be in letter form to the judicial officer and to the parties and counsel.

Specific scope and purpose of the evaluation must include if requested:

- (1) Individual or joint interviews with the parties and/or their children;
- (2) with extended family;
- (3) Home and school visits;
- (4) Consideration of information from health/mental health professionals;
- (5) Consideration of information from school professionals;
- (6) Psychological/educational testing of the parties and/or their child(ren) and/or significant others who are clearly defined.
- (7) That this evaluation is limited in duration and ends when the report is lodged/filed;
- (8) Whether this evaluation is limited to specific issues the court wishes to consider;
- (9) Whether domestic violence or drug and alcohol issues should be evaluated.

(i) Child custody evaluators who accept appointments from the court are expected to strictly adhere to requirements of this rule. The term of appointment ends when their report is filed, except for court testimony. If there is a need for an "update" there must be a new order issued to define the terms of the update.

(j) The court order must allocate, or reserve allocation, of any fees and costs for the evaluation. Unless otherwise stated, the evaluator is responsible for collecting payment directly from the parties.

(k) The child custody evaluator must:

- (1) Consider the health, safety, welfare, and best interest of the child within the scope and purpose of the evaluation as defined by the court order;
- (2) Strive to minimize the potential for psychological trauma to children during the evaluation process; and
- (3) Include in the initial meeting with each child an age appropriate explanation of the evaluation process, including limitations on the confidentiality of the process. The parents, guardian and/or the attorney for the minor(s) must be provided with the guidelines of confidentiality regarding information given to and from the minor(s). These guidelines must be prepared by the Committee and provided to the evaluators in written form to use as a handout.
- (4) Prior to the preparation of the written report, the evaluator must meet conjointly with the parties to generally review the findings of the evaluator in an attempt to settle the case. Each party must be given an opportunity to discuss and rebut allegations made during the course

San Luis Obispo Superior Court

of the evaluation. If a conjoint meeting is contraindicated, the evaluator must have a conjoint meeting with the attorneys, which may be telephonic, or if the parties are self-represented, individual meetings.

(l) All evaluators who are appointed by the court for child custody evaluations pursuant to this rule, must meet the qualifications, training, and continuing education requirements specified under Family Code Sections 185, 186, and 3111, and Rule 1257.57 or other such codes that may apply. The evaluator has the ongoing responsibility for informing the court that they have met the requirements of continuing education. Those requirements will be reviewed by the Committee aforementioned. The information must be provided to the court annually by the evaluator to maintain eligibility on the court approved list of evaluators.

(m) The requirements in performing an evaluation are that the child custody evaluator must provide:

- (1)** A written explanation of the process that clearly describes the:
 - (a)** Purpose of the evaluation;
 - (b)** Procedures used and the time required to gather and assess information and which specific psychological tests will be used, the role of the results in conforming or questioning other information or previous conclusion;
 - (c)** Scope and distribution of the evaluation report;
 - (d)** Limitations on the confidentiality of the process; and
 - (e)** Cost and payment responsibility for the evaluation.
- (2)** Data collection and analysis that allow the evaluator to observe and consider each party in comparable ways and to substantiate (from multiple sources when possible) interpretations and conclusions regarding each child's developmental needs; the quality of attachment to each parent and that parent's social environment; and reactions to the separation, divorce, or parental conflict. This process may include but is not limited to:
 - (a)** Reviewing pertinent documents related to custody, including law enforcement records;
 - (b)** Observing parent-child interaction (unless contraindicated to protect the best interest of the child); if this interaction is prohibited by a court the order of appointment must so state, if the interaction is contraindicated by the evaluator, he/she must inform the parties to allow a reasonable time to amend or clarify the court order.
 - (c)** Interviewing parents conjointly, individually, or both conjointly and individually (unless contraindicated in cases involving domestic violence), to assess:
 - (1)** Capacity for setting age-appropriate limits and for understanding and responding to the child's needs;
 - (2)** History of involvement in caring for the child;
 - (3)** Methods for working toward resolution of the child custody conflict;
 - (4)** History of child abuse, domestic violence, substance abuse, and psychiatric illness; and
 - (5)** Psychological and social functioning;
 - (d)** Conducting age-appropriate interviews and observation with the children, both parents, stepparents, significant others, step and half-siblings conjointly, separately, or both conjointly and separately, unless contraindicated, as set forth above, to protect the best interest of the child;
 - (e)** Collecting relevant corroborating information or documents as permitted by law;
 - (f)** Consulting with other experts to develop information that is beyond the evaluator's scope of practice or area of expertise, e.g., learning disabilities, IEP, ADD, ADHD, mental illness, severe physical disability and other special needs.
- (3)** A written and/or oral presentation of findings that is consistent with Family Code Section 3111 or Evidence Code Section 730. In any presentation of findings, the evaluator must:
 - (a)** Summarize the data-gathering procedures, information sources, and times spent, and present all relevant information, including information that does not support the conclusions reached;

San Luis Obispo Superior Court

(b) Describe any limitations in the evaluation that result from unobtainable information, whether there was failure or inability of a party to cooperate, or the circumstances of particular interviews;

(c) Only make a custody or visitation recommendation for a party who has been evaluated. This requirement does not preclude the evaluator from making an interim recommendation that is in the best interest of the child; and

(d) Provide clear, detailed recommendations that are consistent with the health, safety, welfare, and best interest of the child(ren), if the evaluator is ordered to make any recommendations to the court regarding a parenting plan. Recommendations must include consideration for any changes that may occur with reasonable foreseeability.

(4) **[Cooperation with professionals in another jurisdiction]** When one party resides in another jurisdiction, the custody evaluator may rely on another qualified neutral professional for assistance in gathering information. In order to ensure a thorough and comparably reliable out-of-jurisdiction evaluation, the evaluator must:

(a) Make a written request that includes, as appropriate:

- (1) A copy of all relevant court orders;
- (2) An outline of issues to be explored;
- (3) A list of the individuals who must or may be contacted;
- (4) A description of the necessary structure and setting for interviews;
- (5) A statement as to whether a home visit is required;
- (6) A request for relevant documents such as policy records, school reports, or other document review; and

(7) A request that a written report be returned only to the evaluator and that no copies of the report be distributed to parties or attorneys;

(b) Provide instructions that limit the out-of-jurisdiction report to factual matters and behavioral observations rather than recommendations regarding the overall custody plan;

(c) Attach and discuss the report provided by the professional in another jurisdiction in the evaluator's final report.

(n) In performing an evaluation, the child custody evaluator must:

(1) Maintain objectivity, provide and gather balanced information for both parties, and control for bias;

(2) Protect the confidentiality of the parties and children in collateral contacts and not release information about the case to any individual except as authorized by the court or statute;

(3) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;

(4) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;

(5) Strive to maintain the confidential relationship between the child or party who is the subject of an evaluation and his or her treating psychotherapist;

(6) Operate within the limits of the evaluator's training and experience and disclose any limitations or bias that would affect the evaluator's ability to conduct the evaluation;

(7) Not pressure children to state a custodial preference;

(8) Inform the parties of the evaluator's reporting requirements, including, but not limited to, suspected child abuse, domestic violence and neglect and threats to harm oneself or another person;

(9) Not disclose any recommendations to the parties, their attorneys, or the attorney of the child before having gathered the information necessary to support the conclusion;

(10) Disclose to the court, parties, attorney for a party, and attorney for the child conflicts of interest or dual relationships, and not accept any appointment except by court order or the parties' stipulation; and

(11) Be sensitive to the socioeconomic, gender, race, ethnicity, cultural values, religious, family structures, and developmental characteristics of the parties. (Amended 1/1/04)

RULE 19.06

FAMILY CODE 3111 EVALUATION

(a) If the evaluation is pursuant to FC 3111, the evaluator must submit a written CONFIDENTIAL report on his or her evaluation at least ten (10) days before the hearing regarding custody of the child. The report must be lodged/filed with the clerk of the court as a Confidential Document, in the court file in which the custody hearing is set for hearing and served on the attorneys for the parties or to the parties if they are self-represented. The Court's policy, is that the parties and counsel should exercise restraint and caution in disseminating this information to others. If the parties and/or the minor child(ren) are in mental health therapy, the report may be released to their therapist. This report may be considered by the court ~~and~~ ~~The report may be received in evidence upon stipulation of all interested parties. and is competent evidence as to all matters contained in the report.~~ If the report is not stipulated into evidence, the child custody evaluator must be available to testify at the request of any party. (Amended 1/1/2004)

(b) Any complaints about Family Court Services evaluators shall be addressed in writing to the Supervisor, Family Court Services. If the complaint is about the supervisor, the complaint shall be addressed in writing to the Director of Civil Operations. The supervisor/director will review the complaint and the case file and discuss the matter with the individual mediator or evaluator who is the subject of the complaint. A written response will be sent by the supervisor/director to the person filing the complaint. If either the complainant or the mediator or evaluator is not satisfied with the action taken in connection with the complaint, it may be brought to the attention of the Family Law judicial team leader.

(c) In addition to the evaluators available at Family Court Services, each Family Law Court must maintain a list of other qualified evaluators in this jurisdiction. (Amended 1/1/04)

RULE 19.07

EVIDENCE CODE 730 AND CCP 2032 EVALUATIONS

If the evaluation is pursuant to E.C 730 or CCP 2032 the evaluation must be filed in the court file in which the hearing is set, and must not be confidential, unless and until applicable code sections or rules are amended to provide for confidentiality. If any party wishes for the report to be confidential or sealed they must apply for an order pursuant to statutory and case law. (Amended 7/1/02)

RULE 19.08

REQUESTS FOR CONFIDENTIALITY AND SEALING OF COURT RECORDS

In all cases, if any party requests that any portion of the testimony be confidential and not available for public inspection, notice must be given pursuant to statutory and case law to allow the Court to rule on the issue prior to taking evidence. (Amended 7/1/02)

RULE 19.09

CROSS EXAMINATION OF EVALUATORS

The cross examination of an evaluator by video conferences, telephone conferences, audio or video examination is not available. Cost-effective procedures will be developed. (Amended 7/1/02)

RULE 19.10

APPOINTMENT OF COUNSEL FOR MINORS

Nothing in this rule must prohibit a court-appointed evaluator from recommending to the court that counsel be appointed to represent the minor child at any stage of the evaluation pursuant to Family Code Sections commencing at 3150. This recommendation must be made to the presiding Family Law judicial officer with copies of the transmittal letter to each of the attorneys for the parties, or to the parties if they are self-represented. (Amended 7/1/02)

**CHAPTER 20.
FAMILY MEDIATION AND INVESTIGATION SERVICES**

**RULE 20.00
MATTERS REGARDING MEDIATION
(Repealed 7/1/01)**

**RULE 20.01
MEDIATION
(Repealed 7/1/01)**

**RULE 20.02
SETTING A MATTER FOR MEDIATION
(Repealed 7/1/01)**

**RULE 20.03
MEDIATION PROCESS
(Repealed Effective 7/1/2001)**

Ex parte Communications: Absent a stipulation to the contrary, there shall be no ex parte communication between the attorneys for either party or minor's counsel and the mediator, or between the mediator and the court, except with regard to the scheduling of appointments. No attorney shall initiate oral communication pertaining to the merits of the case with the mediator without first providing all parties and any attorney of record for the child an opportunity to be present. No attorney or party to the action shall provide the mediator with documents pertaining to the case, excluding the Mediation Intake form, without first providing the other side and any attorney of record for the child a copy of the document. (Eff. 1/1/04)

**RULE 20.04
MEDIATION ORDERS
(Repealed 7/1/01)**

**RULE 20.05
MEDIATION PROBLEMS
(Repealed Effective 7/1/2001)**

Ex parte Communications: Absent a stipulation to the contrary, there shall be no ex parte communication between the attorneys for either party or minor's counsel and the mediator, or between the mediator and the court, except with regard to the scheduling of appointments. No attorney shall initiate oral communication pertaining to the merits of the case with the mediator without first providing all parties and any attorney of record for the child an opportunity to be present. No attorney or party to the action shall provide the mediator with documents pertaining to the case, excluding the Mediation Intake form, without first providing the other side and any attorney of record for the child a copy of the document. (Eff. 1/1/04)

**CHAPTER 21.
CUSTODY AND VISITATION PROCEEDINGS**

**RULE 21.00
CONTESTED CASES
(Repealed 7/1/01)**

**RULE 21.01
DEFAULT AND PROCEEDINGS PURSUANT TO FAMILY CODE SECTION 2336
(Repealed 7/1/01)**

RULE 21.02
SPECIAL PROBLEMS
(Repealed 7/1/01)

CHAPTER 22.
TRIAL IN FAMILY LAW AND ACTIONS

RULE 22.00
AT ISSUE MEMORANDUM
(Repealed 7/1/01)

RULE 22.01
TRIAL SETTING CONFERENCE
(Repealed 7/1/01)

RULE 22.01
TRIAL PREPARATION
(Repealed 7/1/01)

RULE 22.02
CONFERENCE WITH TRIAL JUDGE
(Repealed 7/1/01)

RULE 22.03
TRIAL - DOCUMENTARY EVIDENCE
(Repealed 7/1/01)

RULE 22.04
TRIAL - GENERAL
(Repealed 7/1/01)

RULE 22.05
PERSONAL PROPERTY
(Repealed 7/1/01)

CHAPTER 23.
DEFAULT OR UNCONTESTED JUDGMENT IN FAMILY LAW ACTIONS

RULE 23.01
GENERAL POLICY
(Repealed 7/1/01)

RULE 23.02
CHILD SUPPORT
(Repealed 7/1/01)

RULE 23.03
FORMAT OF JUDGMENT
(Repealed 7/1/01)

San Luis Obispo Superior Court

RULE 23.04

SIGNATURE OF JUDGE

(Repealed 7/1/01)

RULE 23.05

PROPERTY

(Repealed 7/1/01)

CHAPTER 24. CHILD AND SPOUSAL SUPPORT

RULE 24.01

MISCELLANEOUS AND TIMESHARE

(Repealed 7/1/01)

CHAPTER 25. COUNSEL SERVICES AND FEES

RULE 25.00

IN A TORT CASE INVOLVING MINOR, INSANE OR INCOMPETENT PERSON

Counsel fees in excess of the following schedule ordinarily will not be considered reasonable in tort actions under Section 372 of the Code of Civil Procedure or Sections 3302 and 3601 of the Probate Code.

(a) Settlement More Than Two Weeks Prior to Trial

Twenty-five percent of the net amount recovered.

(b) Disposition Within Two Weeks of, During or After Trial

Thirty-three and one-third percent of the net amount recovered.

(c) Settlement After The Filing of Respondent's Brief on Appeal or After Affirmance

Forty percent of the net amount recovered.

(d) Computation of Fees

In computing fees, the court will require parents claiming reimbursement for medical expenses, etc. to pay their proportionate share of the counsel fees except in cases of hardship. Reasonable costs incurred or paid by the counsel that are itemized and accompanied by appropriate vouchers, or other supporting evidence, will be allowed excepting they must not be included in the amount of the settlement or judgment on which fees are computed. Net recovery is defined as the gross amount of the cost of the settlement, less all medical-legal costs incurred but before any provision for attorney fees. If a structured settlement is involved in the compromise, the petitioner must disclose the actual cost paid for the annuity.

(e) In determining whether the case is "normal" or "typical," and if determined to be other than "normal" or "typical," the extent to which the fee allowed should be more or less than that allowed for the "normal" or "typical" case, (whether at the time of the hearing on the compromise, or prior thereto), the court must consider such matters as may be presented as bearing upon the nature of the case, including, but not limited to:

(1) The type of case. E.g., rear-ender, intersection collision, slip and fall, public entity, etc.;

(2) The nature of the injuries, so far as known. E.g., "soft tissue," fracture, etc.;

(3) The complexity or potential complexity of the case, items of the number of parties involved and issues involved;

(4) Whether or not there were or might be any unusual special defenses that were dealt with, or which might have to be dealt with;

(5) The amount of insurance coverage that is or appears to be available;

(6) The existence of any dispute or realistically possible dispute over insurance coverage.

San Luis Obispo Superior Court

(f) The court may require that counsel make a written presentation in support of his or her position that the case is not "normal" or "typical." The contents of such presentation must remain confidential, and must not be disclosed to anyone by the judge to whom the same made, except upon noticed motion, after final disposition of the case, (including any appeals). If such presentation is in writing, the judge must sign the same, indicating that he or she read it, and the same must be retained by counsel presenting it until the earliest of the following occurs:

- (1) Termination of the case with no recovery;
- (2) Distribution of the recovery to the minor, insane, or incompetent person, pursuant to court order;
- (3) Other order of court, after final termination of the case (including any appeals), upon noticed motion. (Amended 7/1/02)

RULE 25.01

COMPROMISE OF CLAIMS

Pursuant to Rule 241(b), California Rules of Court, in a compromise or incompetent's disputed claim, counsel must disclose his interest in the proceeding. Such disclosure must include a declaration of the attorney's relationship with the liability insurance company settling the claim and, should counsel be employed by said insurance company, a statement that no compensation will be received from any person other than said insurance company. (Amended 7/1/02)

RULE 25.02

IN AN ACTION ON A PROMISSORY NOTE, CONTRACT PROVIDING FOR THE PAYMENT OF COUNSEL FEES AND FORECLOSURE

The following counsel fees must be awarded under normal circumstances in an action on a promissory note, contract providing for the payment of counsel fees and foreclosure:

(a) Default Action on Note or Contract

Exclusive of costs:

- | | |
|---|-----------------------------|
| Any part of first \$1,000 | (\$250 minimum) fee. |
| 20 percent of next | \$4,000 (\$800 maximum). |
| 15 percent of next | \$5,000 (\$750 maximum). |
| 10 percent of next | \$5,000 (\$500 maximum). |
| 5 percent of next | \$35,000 (\$1,750 maximum). |
| 2 percent of next \$50,000 | (\$1,000 maximum). |
| 1 percent of the amount over \$100,000. | |

In an action upon a contract providing for counsel fees, the Clerk of the Court must include in the judgment counsel fees in accordance with this schedule, not to exceed the amount prayed for.

(b) Uncontested Unlawful Detainer

For any default unlawful detainer, \$350.00. If counsel believes a higher fee is warranted, he or she must cause the matter to be calendared for a court hearing and give notice of the hearing to the defaulted party.

(c) Foreclosure of Mortgage or Trust Deed

The same amount as computed under Subdivision (a).

(d) Foreclosure of Assessment or Bond Lien Relating to a Public Improvement

The same amount as computed under Subdivision (a). (Amended 7/1/02)

RULE 25.03

COURT APPOINTED COUNSEL AND PUBLIC DEFENSE SERVICES

(a) Determination of Attorney Compensation and Necessary Expenses of Defense

In each case in which a person has been furnished services of counsel or other defense services at public expense pursuant to an appointment by the court, upon conclusion of the proceedings, the court must make a determination of the county cost incurred for attorney compensation and necessary expenses of defense. Counsel must be prepared at that time to

San Luis Obispo Superior Court

submit an approved form of client financial statements and itemized information as to the time devoted to the case, expenses incurred and all claims made and compensation received in connection with the case. Expenses will not be considered reasonable unless authorized by the court before they are incurred. The amount of time shown on said itemized statement must reflect no more than the actual "billable" time that an attorney ethically would bill to a member of the public who that attorney might represent in private practice. The time itemized must not include attorney's traveling time or expenses or research or preparation time which would not be required of an attorney reasonably experienced in the practice of criminal law. Said itemized statement must be submitted to the court by counsel in the form of a declaration signed under penalty of perjury.

(b) Reimbursement Order

In the event any person may be required by law to reimburse the county for compensation of counsel or costs of defense services, the court, after determining the amount thereof must make a determination of the present ability of such person to pay all or a portion of such amount and must make such reasonable order for payment as is authorized by law. This determination and the determinations required by paragraph (a) above must be made only after the court has held a hearing. All persons required by law to reimburse the county for compensation of private counsel or costs of defense services must be entitled to reasonable notice of the hearing, and may appear thereat, with counsel, and participate therein, including the presentation of evidence and the cross-examination of witnesses.

(c) Collection

The court, in its discretion, may delegate to the appropriate county officer the authority to collect such reimbursement and to establish and modify arrangements for installment payments. In addition, to the extent authorized by law, it may delegate to such officer authority to reduce or cancel unpaid repayment obligations upon a finding by the officer that the person obligated no longer has the ability to pay the amount ordered.

(d) Action on Claim

Within a reasonable period of time from the date of filing of counsel's request for a fee order and itemized declaration in support thereof, the court must determine whether or not said request and declaration conform to the contents of this rule and any corresponding court policy. If the request and declaration conform to this rule and any corresponding court policy, an order must be made and delivered forthwith to the Auditor of the County of San Luis Obispo for payment out of the General Fund of the County of San Luis Obispo as set forth in Penal Code Section 987.2(a). In the event the court determines that the request and declaration are not or may not be in conformance with this rule and any corresponding court policy, the court may reduce the claim as it deems appropriate or may notify counsel that said request for attorney's fees is denied pending a hearing to be scheduled on the law and motion calendar of the court. Any such hearing must take into account the schedules of the court and counsel. Any time spent on any such hearing must not be a charge against the County of San Luis Obispo or the court. At the conclusion of any such hearing, the court must make a final order as to the amount of attorney's fees to which said counsel is entitled pursuant to this rule and any corresponding court policy.

(e) Recognizing the Constitutional requirement to provide competent and qualified counsel, and subject to the determination by the trial court to a reasonable fee for services pursuant to Penal Code Sections 987.2 and 987.3, counsel must be appointed and compensated in accordance with such guidelines as the court may from time to time set forth in its policies. (Amended 7/1/02)

RULE 25.04

UNUSUAL CASES WARRANTING INCREASED FEES

In the event that counsel has provided extraordinary services in the prosecution of litigation such that the schedules called for in this rule would not provide a fair and reasonable compensation on a per hour or per diem basis, he or she may move the court, after written noticed motion to all parties, including the client(s) of the attorney making the motion, for an increased fee allowance. Counsel must submit with the motion an itemized sworn statement of

San Luis Obispo Superior Court

services provided together with the dates and times such services were rendered. (Amended 7/1/02)

CHAPTER 26. RULES FOR ARBITRATION

RULE 26.00

INTRODUCTION

(a) The uniform system of arbitration in the San Luis Obispo County Superior Court hereby provides that the following actions be arbitrated:

(1) Upon stipulation, any action regardless of the amount in controversy.

(2) Upon filing of an election by the plaintiff, any action where the plaintiff agrees that the arbitration award must not exceed \$50,000.

(3) All actions where the amount in controversy does not exceed \$50,000 to any plaintiff.

(b) (Repealed 7/1/01)

(c) Exempt Actions

(1) Actions that include meritorious prayers for equitable relief.

(2) Class actions.

(3) Small claims actions.

(4) Unlawful detainer proceeding where possession is in issue.

(5) Any action found by the court to be not amenable to arbitration on the ground that arbitration would not reduce the probable time and expense necessary to resolve the litigation.

(d) Any action where the amount in controversy does not exceed \$25,000. (Amended 7/1/02)

RULE 26.01

SANCTIONS FOR NON-PARTICIPATION

All parties to an action, together with their attorneys, if any, must attend and participate in good faith in court ordered mandatory arbitration proceedings. If a party fails to attend and participate in good faith in a court ordered mandatory arbitration proceeding and thereafter that party requests a trial pursuant to Rule 1616, an order to show cause must issue to such party. At the hearing, the court must find whether the non-participation constituted bad faith, frivolity, disobedience to a lawful order or was intended solely for the purpose of causing unnecessary delay. A belief, even held in good faith, that the arbitration will not result in a final disposition of the litigation is not a justification for non-participation and will not negate an assertion of bad faith non-participation.

RULE 26.02

COMPENSATION OF ARBITRATOR

(a) The parties to a court ordered arbitration in civil matters must compensate the arbitrator selected in the amount of \$250.00 for his or her services as an arbitrator. The cost must be born pro rata by the parties. Any party proceeding in forma pauperis must be exempt from paying his or her pro-rata share, and the arbitrator's compensation must be abated by that amount.

(b) Arbitrators of controversies where the amount in controversy does not exceed \$25,000 must be paid \$200.00 by the court. (Amended 7/1/02)

RULE 26.03

SELECTION OF ARBITRATOR

In any case which the court refers to mandatory non-binding arbitration, counsel must select an arbitrator on the date of referral. Arbitration Coordinator must provide counsel with a list of proposed arbitrators. (Amended 7/1/02)

San Luis Obispo Superior Court

RULE 26.04

RULES OF ARBITRATION

All civil actions submitted for arbitration must be arbitrated pursuant to the California Code of Civil Procedure and California Rules of Court.

CHAPTER 27. SAN LUIS OBISPO COUNTY TRIAL RULES

RULE 27.00

APPLICABILITY

These rules must supplement the California Rules of Court, and must apply to all trials conducted in San Luis Obispo County Superior Court.

RULE 27.01

JURY INSTRUCTIONS

(a) Proposed Pattern of Jury Instructions

In jury trials the instruction forms contained in the most recent editions of "California Jury Instructions-Civil" (BAJI) and "California Jury Instructions-Criminal" (CALJIC) should be used when applicable. Due consideration will be given to proposed instructions drafted by attorneys as well as the BAJI and CALJIC forms.

Not later than one day after the jury is selected, counsel must meet and confer, face-to-face unless excused by the trial judge. They must separate the proposed jury instructions so as to eliminate redundancy. The proposed instructions must then be separated into two groups. The first group of instructions must consist of those that all parties agree can be given by the court as drafted. The second must consist of those proposed instructions about which counsel disagree and wish to have a court ruling before submission to the jury.

The parties or their counsel must then meet and confer with the court in chambers to discuss the proposed instructions. The court may give indicated rulings which may subsequently be put on the record.

The court will assign responsibility for preparing "clean" copies of the instructions to be given by the court for delivery to the jury in the jury room. Those "clean" instructions must not indicate which party submitted the proposed instruction nor must they replicate the source of the text, the citation of authority, if any, or the judge's signature.

(b) Instructions to be Completed

It must be the duty and responsibility of counsel proposing a pattern instruction to complete all blanks contained in it necessary for the purpose of the instruction. Failure to do so must be deemed by the court as sufficient cause to refuse the proposed instruction.

(c) Additional Instructions Drafted by Counsel

Counsel may draft and submit additional proposed instructions. Each must be numbered in consecutive order and indicate the party upon whose behalf it is requested. Failure to cite on any such instruction the authorities relied upon to support giving it must be deemed by the court as sufficient cause to refuse the proposed instruction.

(d) Method of Filing Proposed Instructions with Trial Judge

In all jury trials, counsel must present to the court a document setting forth in the usual manner the title of the court, title and number of the action, and title of the document, namely, "Instructions requested by ____." A copy of the document must be served upon each of the other counsel in the case. The document must list by number the BAJI and/or CALJIC instructions requested by counsel and counsel must attach to the original the (1) instructions so requested that are in print and available; and if such instructions are modified, by the completion of blanks, the deletion of bracketed material, or in any other manner made complete; (2) if the instructions so requested are not locally available, it will be counsel's responsibility to type such instructions; and (3) the additional instructions, if any, as provided in paragraph (c) above.

(e) Time for Delivery of Proposed Instructions to Court

San Luis Obispo Superior Court

Jury instructions requested by a party must be filed two court days before the date scheduled for trial. See Rule 27.02. (Amended 7/1/02)

RULE 27.02

PRETRIAL PROCEDURES AND REQUIREMENTS

(a) The following documents and things must be filed 2 court days before the date scheduled for trial:

- (1) A brief statement of the case and the issues to be determined by trial;
- (2) The estimated time required for the trial;
- (3) Stipulated facts or admissions of the parties;
- (4) Any special voir dire questions or requests;
- (5) A witness list;
- (6) Motions in limine;
- (7) A statement of any unusual evidentiary or legal issues; and
- (8) Jury instructions and verdict forms

(b) The court may require the parties to attend a Trial Management Conference to discuss voir dire, the timing of the trial, presentation of evidence, exhibits, and witnesses or parties with special needs. (Amended 7/1/01)

RULE 27.03

MOTIONS IN LIMINE, CIVIL JURY TRIALS

In civil jury trials, counsel must make any In Limine motions as follows:

(1) The motion to be filed and served by FAX, express mail or personal service, not later than two court days before the first calendar call of the case.

(2) Motion must include:

(a) Counsel's best estimate of the time that will be required to properly hear and dispose of the motion(s).

(b) The general subject(s) of the motion(s) together with points and/or authorities.

(c) A proposed order. (Amended 7/1/03)

RULE 27.04

RESETTING OF LONG CAUSE TO SUMMARY JURY TRIALS

(a) If, in the opinion of the judge presiding, a civil jury trial scheduled for trial will require ten (10) or more days of trial it may be assigned for a "summary jury trial".

(b) The "summary jury trial" format must consist of the following:

(1) Agreed Statement

An agreed statement will be compiled by the parties to the action which will set forth the identity and nature of the parties, the essential facts of the case and a brief outline of the procedures to be used in the "summary jury trial."

(2) Jury Selection

The judge must be solely responsible for jury voir dire. A jury of six (6) persons will be selected from a panel of twelve (12). The judge will concentrate on issues of cause only and no peremptory challenges will be allowed. After the jury is selected, the agreed statement will be read to the six members of the jury. This stage should last no longer than thirty (30) minutes.

(3) Required Attendees

The "summary jury trial" must be attended by all plaintiffs and cross complainants, their respective counsel, the defendants and cross-defendants, or if they are insured, adjusters representing their respective insurers who have responsibility for the case and plenary monetary authority to settle the case and their respective counsel. To the extent not inconsistent with this provision, the rules of Chapter 9 of these rules must apply to "summary jury trials" with regard to attendance and sanctions.

(4) Presentation of Evidence

Plaintiff must be allowed one hour within which to present evidence to the jury. This evidence may include reading from deposition transcripts, presentation of exhibits or graphic

San Luis Obispo Superior Court

representations and statements by counsel constituting factual allegations. Counsel must refrain from arguing the case at this point and must confine himself or herself to presenting what he or she believes to be the facts of the case through anticipated testimony of witnesses.

The defendant must be allowed one hour to present his or her evidence on behalf of his or her client. If there are more than two parties, the trial judge may divide the time equitably to fit within the time available (approximately 2-1/2 hours). All counsel must refrain from making any objections during the presentation of any party's case. The judge must be vested with the authority to make objections on the grounds of relevancy and argument only. All other objections such as lack of foundation, hearsay, etc. will not be made during the presentation of evidence.

(5) Argument of Counsel

Plaintiff must open and close. The trial judge must assign the time limitations on argument (approximately 20 minutes per side).

(6) Jury Instructions

A limited number of concise jury instructions will be agreed upon before the trial and will be presented to the judge. They should take no longer than 10 minutes to read to the jury and the parties must provide clean copies to be used by the jurors.

(7) Deliberation of the Jury

The jury must be instructed to decide the issues presented to them. The issues must be set forth in a special verdict form. Five of the six jurors must agree for there to be a verdict. They must have a time limit of three (3) hours or 4:30 p.m., whichever is sooner. If they have not reached a verdict by that time, they will be called back into the courtroom so that they can announce the status of their deliberations and counsel will be allowed to ask them questions. If they have reached a verdict, the verdict will be announced and counsel will again be allowed to ask questions of the panel.

(8) The trial must be conducted by a judge pro-tem, agreed upon by the parties or assigned by the presiding judge. Costs of the judge pro-tem, jury fees and lunch for the jury panel and costs for the court reporter will be divided among the parties pro rata. (Amended 7/1/02)

RULE 27.05

VOLUNTARY SUMMARY JURY TRIAL

At any time after the mandatory settlement conference has been held the parties may stipulate to conduct a "summary jury trial." Upon such stipulation being filed with the court, the court administrator will co-ordinate the conduct of the proceeding utilizing court resources as they may be available.

CHAPTER 28. COURT INTERPRETING SERVICES

RULE 28.00

INTERPRETERS

(a) Establishment of Competency

Any interpreter whose services are used in the court will be required to be certificated pursuant to the provisions of Government Code section 68565 unless in a particular case the court should waive this requirement. When the requirement is waived, the competency of the interpreter must be satisfactorily established upon examination or such other suitable means as must be determined by the court.

(b) List of Court Approved Interpreters

The Clerk of the Court must maintain for public examination a list of court approved interpreters and their particular languages.

San Luis Obispo Superior Court

RULE 28.01

COMPENSATION OF COURT-APPOINTED INTERPRETERS

Compensation of court appointed interpreters is established by the Judicial Council and is payable pursuant to the schedule set forth herein.

For certified and registered interpreters: Full day \$265.00; Half day \$147.00.

For noncertified interpreters: Full day \$200.00; Half day \$105.00. (Amended 7/1/03)

CHAPTER 29 FAX FILING

RULE 29.01

AUTHORITY

The rules in this division are adopted under Code of Civil Procedure Section 1012.5 and the authority granted to the local court by California Rules of Court Rule 2002(b). (Eff. 1/1/98)

RULE 29.02

APPLICABILITY

These rules apply to civil (except Small Claims), probate, and family law proceedings in the Superior Court of California, County of San Luis Obispo. (Eff. 7/1/99)

RULE 29.03

DEFINITIONS

As used in this division, unless the context requires otherwise:

- (1) "These rules" means the rules in this division.
- (2) "A facsimile transmission" means the transmission of a copy of a document by a system that encodes a document into electrical signals, transmits these electrical signals over a telephone line, and reconstructs the signals to print a duplicate of the original document at the receiving end.
- (3) "A facsimile machine" means a machine that can send a facsimile transmission using the international standard for scanning, coding, and transmission established for Group 3 machines by the Consultative Committee of International Telegraphy and Telephone of the International Telecommunications Union (CCITT), in regular resolution. A facsimile machine used to send documents to a fax filing agency must send at an initial transmission speed of no less than 4,800 baud and be able to produce a transmission record.
- (4) "Facsimile filing" or "filing by fax" means the facsimile transmission of a document to a fax filing agency for filing with the court.
- (5) "A transmission record" means the document printed by the sending facsimile machine stating the telephone number of the receiving machine, the number of pages sent, the transmission time and date, and an indication of errors, if any, in transmission.
- (6) "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
- (7) "Fax filing agency" means an entity that receives documents by fax for processing and filing with the court. (Eff. 7/1/92)

RULE 29.04

COMPLIANCE WITH RULE 201 OF CALIFORNIA RULES OF COURT

The document placed in the transmitting fax machine must comply with Rule 201 of the California Rules of Court and any applicable local rules on the form or format of papers. A document or exhibit which exceeds 8-1/2 x 11 inches must be reduced to 8-1/2 x 11 inches before it is transmitted. (Amended. 7/1/03)

San Luis Obispo Superior Court

RULE 29.05

SIGNATURES

(a) Signed Document

A party who wishes to file a signed document by fax must either (1) fax a copy of the original signed document or (2) fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the original signed document

(b) Possession of Original Document

A party who files a signed document by fax using either method in subdivision (a) represents that the original physically signed document is in his/her possession or control.

(c) Facsimile Signature Constitutes Original Signature

Notwithstanding any provision of law to the contrary, including Sections 255 and 260 of the Evidence Code, a signature produced by facsimile transmission is an original.

(d) Demand for Original; Waiver

Within 15 days after service of a signed facsimile filing, any other party may serve a demand for production of the original physically signed document. The demand must be served on all other parties but must not be filed with the court. Failure to serve a demand is a waiver of the right to demand production of the physically signed original.

(e) Examination of Original

If a demand for production of the original physically signed document is made, the parties must arrange a meeting at which the original physically signed document can be examined.

(f) Order to Produce Original

In the event that the original document is not produced after a timely request therefor, the party may file a noticed motion requesting the court to order the filer of the facsimile produced document to file or produce the original signed document. (Eff. 7/1/92)

RULE 29.06

ORIGINAL EXHIBITS

Each exhibit to a facsimile produced document which cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the court otherwise orders, the missing exhibit must be filed with the court, as a separate document, not later than five (5) court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit. (Eff. 7/1/92)

RULE 29.07

FAX FILING AGENCY

(a) Approved Fax Filing Agencies

The clerk of the court must maintain and provide to interested parties without charge, a list of approved fax filing agencies. Entities or individuals which are licensed shorthand reporters or registered process servers may apply to the court to become approved fax filing agencies, if they meet the following criteria.

(1) The proposed fax filing agency must have available at least one fax machine or computer which is capable of producing facsimile documents on plain number 18# bond (or heavier) paper by laser printer or better quality technique.

(2) The proposed fax filing agency must attempt to have its facsimile machine available on a 24-hour basis, save for reasonable and normal maintenance times.

(3) The proposed fax filing agency must undertake to comply with all rules in this division.

(b) Transmission of Document for Filing

A party may transmit a document by fax to a fax filing agency for filing with the court. The fax filing agency acts as the agent of the filing party and not as an agent of the court.

(c) Duties of Fax Filing Agency

A fax filing agency that receives documents for filing must:

San Luis Obispo Superior Court

(1) Prepare the document so that it complies with 201 or 501 and any other requirements for filing with the court;

(2) Place the words "filed by fax by" followed by the name of the agency at the bottom of the last page of the document and include thereafter a certification signed by the person who received the facsimile transmission which certifies under penalty of perjury that the document to be filed is the full, complete and unaltered facsimile produced document received;

(3) Take the document to the court;

(4) File the document with the court; and

(5) Pay any applicable filing fee.

(d) Requirement of Advance Arrangements

A fax filing agency must not be required to accept papers for filing unless appropriate arrangements for payment of filing fees and service charges have been made by the transmitting party before the papers are transmitted to the fax filing agency.

(e) Confidentiality

A fax filing agency must keep all documents transmitted to it confidential except as provided in these rules.

(f) Certification by Fax Filing Agency

By filing a document with the court, a fax filing agency certifies that it has complied with these rules and that the document filed is the complete and unaltered facsimile produced document received by that agency. (Eff. 7/1/03)

RULE 29.08

FACSIMILE NOTATION

All facsimile produced documents to be filed with the court must bear the notation "facsimile document" directly above the case number on the first page of the document only. (Eff. 7/1/92)

RULE 29.09

FAX QUALITY; PLAIN PAPER

(Repealed 7/1/2003)

RULE 29.10

NO FAX TRANSMITTAL TO COURT

Facsimile produced documents may not be transmitted for filing directly to any facsimile machine owned or operated by the court or clerk's office. In order to be filed with the court, all facsimile produced documents must be presented for filing at the filing window or by mail. All required fees must be paid at the time of filing. (Eff. 7/1/92)

RULE 29.11

DOCUMENTS NOT TO BE FILED BY FAX

The following documents will not be accepted for fax filing: original wills and codicils, all types of proposed letters to be issued (i.e., letters of guardianship, conservatorship, and administration), and all bonds and undertakings. (Eff. 7/1/92)

CHAPTER 30. PAYMENT TO THE COURT

RULE 30.00

PAYMENT IN COINS

No officer of the court who collects money as described in Government Code section 24383 must be required to accept payment in coin. (Eff. 7/1/99)

RULE 30.01

CHECK CASHING

(a) Acceptance

A personal check, bank cashier's check or draft, express or post office money order, or traveler's check, offered in payment of any fee, fine or bail deposit may be accepted by the court if the following conditions are met:

- (1) If a personal check is drawn on a banking institution located in California or if a bank cashier's check or money order is drawn on a banking institution located in the United States;
- (2) The amount is the exact amount of the fee, fine or bail;
- (3) The date on the check is not over two months previous to the date presented nor is it later than the date presented;
- (4) The original payee is "Clerk of the Court" or other similar designee (no two-party checks);
- (5) The numeric figures (bank courtesy figures) agree with the amount written in words; and
- (6) The sum is in U.S. currency.

(b) Refusal

Any check or money order which appears irregular on its face may be returned. Personal checks from persons known to have previously tendered worthless or "Not Sufficient Funds" checks to the Clerk or other persons may be refused. (Eff. 7/1/99)

San Luis Obispo Superior Court

APPENDIX I

SUPERIOR COURT CIVIL FEE SCHEDULE

JURY, COURT REPORTER & WITNESS FEES	Code Section	TOTAL FEE
1. JURY FEES Deposit for first day's jury fees (to be deposited at least twenty-five days prior to trial date.) Court Clerk will collect daily fees during trial. Fee's may be refunded pursuant to CCP 631.3.	CCP 631(b)	\$150.00
2. JUROR'S FEES Juror's fees per day (plus .17 per mile round trip) commencing 2 nd day of service.	CCP 215(a), 631, Local Rule 1601	\$15.00
3. WITNESS FEES Witness fee per day (plus .20 per mile round trip) Advance witness fee for Peace Officer, Court, State, etc.	GC 68093 GC 68097.1, 68097.2	\$35.00 \$150.00
4. COURT REPORTER FEES Fee for court reporter services, per half day	GC 68086	\$162.50
CERTIFICATION & MISCELLANEOUS FEES	Code Section	TOTAL FEE
1. Preparing photocopy of any document per page or fraction thereof	GC 26831	\$1.00
2. Certifying to copy of paper on file in Clerk's office	GC 26833.1, 68085	\$6.60
3. Clerk's Certificate, the fee for which is not otherwise fixed	GC 26836.1, 68085	\$6.60
4. Comparing with original, per page, in addition to fee for certificate when prepared by another and presented for Clerk's certificate	GC 26837, 68085	\$6.10
5. Exemplification of paper (in addition to preparing)	GC 26839, 72054	\$20.00
6. Searching records on file, per record, copies extra \$1.00 per page	GC 26854	\$5.00
7. Bringing file from storage, per file		\$3.50
8. Fee for each certificate to official capacity of any public official	GC 26852, 68085	\$6.60
9. Certificate re: justification of sureties	GC 26855.3	\$3.50
10. Certified copy of marriage dissolution record, plus \$1.00 per page copy charge <i>if requested by public agency</i>	GC 26832, 68085 GC 26832.1, 68085	\$11.00 \$5.50
11. Packeted forms (except Consent to Marry forms \$2.50)		\$5.00
12. Pre-printed Forms, each page		\$0.25
13. Faxing Documents between San Luis Office and North County Office, first page each additional page		\$1.00 \$0.25
14. Signing (authentication) of signatures pursuant to court order, per signature	GC 26835.1	\$6.60
15. Filing and indexing all papers for which a charge is not elsewhere provided, other than papers filed in actions or special proceedings, official bonds or certificates of appointment	GC 26850, 68085	\$6.60
16. Taking an affidavit, except in criminal or adoption proceedings	GC 26853, 68085	\$6.60
17. Taking acknowledgement of a deed or other instrument, including the certificate, for each signature	GC 26855, 68085	\$6.60

San Luis Obispo Superior Court

18. Recording or registering license or certificate, or issuing certificate, or both, in connection with license for which a charge is not otherwise prescribed	GC 28651, 68085	\$6.60
19. Certificate of Superior Court Judge to Translation of document from foreign language into English. For each folio. (Must be accompanied by Affidavit of Translator)	GC 27293	\$1.50
20. Bail Bond Reinstatement Fee	Local Rule 10.01(d)(3)	\$100.00
SCHEDULE OF PROFESSIONAL SERVICES FEES	Code Section	TOTAL FEE
1. Court Appointed Attorneys - \$65.00 per hour, may be reimbursable by code section	Local Court	\$65.00
2. Court Appointed Diagnosticians - Psychiatrists, Psychologists, M.D.'s, flat rate for adult evaluations pursuant to: PC1368, 1026 et seq, 288.1, EC730, 1017, W&I 3051,5300 & 6500	Local Court	\$300.00
3. Juvenile Court Appointed Diagnosticians - per hour authorized	Local Court	\$100.00
4. Court Appointed Diagnosticians - MFCC's, MFC & M.A. \$65.00 per hour	Local Court	\$65.00
5. Certified & Registered Foreign Language Interpreters, per day	Judicial Council	\$265.00
half day		\$147.00
6. Non-certified & non-registered Interpreters, per day	Judicial Council	\$175.00
half day		\$92.00
COURT OF APPEAL FEES <i>**SEPARATE CHECKS REQUIRED**</i>	Code Section	TOTAL FEE
1. A person filing a notice of appeal or cross appeal should deliver filing fee to the Clerk of the Superior Court which fee in turn will be forwarded to the Reviewing Court. Appellant's check or money order should be made payable to the Clerk of the Court of Appeal.	GC 68923, CRC 1	\$655.00
2. Together with deposit for preparation of Clerk's Transcript or indexing, payable to Clerk of Superior Court	GC 68926.1	\$100.00

San Luis Obispo Superior Court

APPENDIX II

LOCAL FORMS – SAN LUIS OBISPO COUNTY ALPHABETICAL

All local forms are available on the court's web site: www.slocourts.net

FORM NO.	TITLE *next to form number denotes mandatory use	Code/ Local Rule	Revised
PR005*	Affidavit or Declaration for Final Discharge & Order	PRC 12250	10/03
2520-104	Agreement of Deft. To Furnish Social Security Number	GC 68107	5/93
CVDC04*	Alternative Dispute Resolution Policy Statement	LR9.11.4	7/02
CV006	Amendment to Complaint	CCP474	4/03
2510-14	Authorization to Apply Bail	LRC 10.14	5/99
FL004*	Certification of Noncompliance & Order	FLPP	12/02
CVDC01*	Civil Case Management Policy	LR9.11.1	7/02
2510-157	Counter Arraignment by Counsel	LRC 10.15	8/01
2510-157	Counter Arraignment & Plea – Criminal	LRC 10.15	11/01
SC004	Declaration of Default in Payments (after Mediation) & Request for Hearing	CCP 116.620	10/03
SC002	Declaration Re: Default in Payments (after Judgment)	CCP 116.620	10/03
CVUD07	Declaration Re: Rent & Damages (3-Day Notice)	CCP 1161	4/03
FL002*	Domestic Judgment Worksheet (3 pages)	FLPP	8/99
2520-TR60	Ex Parte Appl. to Set Aside Conviction or Forfeiture of Bail & Order for Traffic School		5/99
FL006	Family Law Mediator's Report	FLPP	12/02
CVDC04*	Financial Statement (Stepparent Adoption)	FC9002	5/03
FL003*	Joint At-Issue Memorandum (Family Law)	FLPP	10/03
CVDC02*	Notice of Assignment for All Purposes	LR9.11	7/02
FL08	Notice of Intent to Introduce Oral Testimony	CVC 323	10/03
FL009*	Order Appointing Child Custody Evaluator Attachment	CRC 5.225	1/04
2510-256	Order for Disposition of Property	PC 12028	8/91
2510-119	Petition for Restricted License	VC13202.5 VC132022.3	5/02
2510-201	Petition & Order for Withdrawal of Plea & Dismissal	PC 1203.4	5/03
2510.301	Petition & Order Re: Vacating Civil Assessment	PC 1214.1	7/03
2510-154	Petition to Appear Without Posting Bail		1/99
2510-201b	Proof of Service	PC 1203.4a	9/03
PR004	Raised Bid in Open Court	PRC 10311	1/04
CVLJ12	Request for Arbitration & Order	LR 9.08	11/03
CVDF10*	Request for Default Setting	LR 7.18	10/03
2520-110	Request for Dismissal	PC 853.6 VC40202 VC40500	1/99
SC001	Request for Dismissal – Small Claims	CCP 581	8/02
CO001*	Request for Duplicate Tape Recording	CRC 892	11/03
SC003	Request to Enter Satisfaction of Judgment	CCP 116.840	4/03

San Luis Obispo Superior Court

FORM NO.	TITLE *next to form number denotes mandatory use	Code/ Local Rule	Revised
CVUD09*	Request to Set (Unlawful Detainer)	CCP 1170	10/03
FL001*	Schedule of Property (Fredman Form)	FLPP	12/02
CV011*	Statement of Venue	LR 9.27	1/04
FL007	Stipulation & Order Re Continuance	FLPP	12/02
CVDC05	Stip to Use of Alternative Dispute Resolution Process	LR9.11.4	7/02

San Luis Obispo Superior Court

LOCAL FORMS – SAN LUIS OBISPO COUNTY NUMERICAL

All local forms are available on the court's web site: www.slocourts.net

FORM NO.	TITLE <small>*next to form number denotes mandatory use</small>	Code/ Local Rule	Revised
2510-14	Authorization to Apply Bail	LRC 10.14	5/99
2510-104	Agreement of Deft. To Furnish Social Security Number	GC 68107	5/93
2510-119	Petition for Restricted License	VC13202.5 VC 13202.3	5/02
2510-154	Petition to Appear Without Posting Bail		1/99
2510-157	Counter Arraignment and Plea – Criminal	LRC 10.15	11/01
2510-201	Petition & Order for Withdrawal of Plea & Dismissal	PC 12303.4	5/03
2510-201b	Proof of Service	PC 1203.4a	9/03
2510-256	Order for Disposition of Property	PC 12028	8/91
2510-301	Petition & Order Re: Vacating Civil Assessment	PC 1214.1	7/03
2510-110	Request for Dismissal	PC 853.6 VC40202 VC20500	1/99
2520-163	Court Arraignment by Counsel	LRC 10.15	8/01
2520-TR60	Ex Parte Appl. to Set Aside Conviction or Forfeiture of Bail & Order for Traffic School		5/99
AD01*	Financial Statement (Stepparent Adoption)	FC9002	5/03
CO001*	Request for Duplicate Tape Recording	CRC 892	11/03
CVDC01*	Civil Case Management Policy	LR9.11.1	7/1/02
CVDC02*	Notice of Assignment for All Purposes	LR9.11	7/02
CVDC04*	Alternative Dispute Resolution Policy Statement	LR9.11.4	7/02
CVDC05	Stip to Use of Alternative Dispute Resolution Process	LR9.11.4	7/02
CV006	Amendment to Complaint	CCP474	4/03
CVUD07	Declaration Re: Rent & Damages (3-Day Notice)	CCP1161	4/03
CVUD09*	Request to Set (Unlawful Detainer)	CCP11707	10/03
CVDF10*	Request for Default Setting	LR7.18	10/03
CV011*	Statement of Venue	LR 9.27	1/04
CVLJ12	Request for Arbitration & Order	LR 9.08	11/03
FL001*	Schedule of Property (Fredman Form)	FLPP	12/02
FL002*	Domestic Judgment Worksheet (3 pages)	FLPP	8/99
FL003*	Joint At-Issue Memorandum (Family Law)	FLPP	10/03
FL004*	Certificate of NonCompliance & Order	FLPP	12/02
FL006	Family Law Mediator's Report	FLPP	12/02
FL007	Stipulation & Order Re Continuance	FLPP	12/02
FL008	Notice of Intent to Introduce Oral Testimony	CRC 323	10/03
FL009*	Order Appointing Child Custody Evaluator Attachment	CRC 5.225	1/04
PR004	Raised Bid in Open Court	PRC 10311	1/04

San Luis Obispo Superior Court

FORM NO.	TITLE *next to form number denotes mandatory use	Code/ Local Rule	Revised
PR005*	Affidavit or Declaration for Final Discharge & Order	PRC 12250	10/03
SC001	Request for Dismissal – Small Claims	CCP 581	8/02
SC002	Declaration Re: Default in Payments (after Judgment)	CCP 116.620	10/03
SC003	Request to Enter Satisfaction of Judgment	CCP 116.840	4/03
SC004	Declaration of Default in Payments (after Mediation) & Request for Hearing	CCP 116.620	10/03

SAN LUIS OBISPO SUPERIOR COURT INDICES

DAILY JOURNAL CORPORATION
915 East First Street, Los Angeles, California 90012
P.O. Box 54026, Los Angeles, California 90054
Telephone (213) 229-5300
Copyright 2003. All Rights Reserved.

List of Abbreviations

App.	Appendix
BPC	Business and Professions Code
CC	Civil Code
CCP	Code of Civil Procedure
CRC	California Rules of Court
EC	Evidence Code
Exh.	Exhibit
FC	Family Code
FF	Filing Fees of the Superior Court of California
GC	Government Code
HSC	Health and Safety Code
JCR	Juvenile Court Rules (California Rules of Court)
JCF	Judicial Council Forms
LC	Labor Code
PC	Penal Code
PRC	Probate Code
SJA	Standards of Judicial Administration (California Rules of Court, Appendix, Division I)
SLO	Rules of the Superior Court of San Luis Obispo County
WIC	Welfare and Institutions Code

Rules of the Superior Court of San Luis Obispo County

Administration	2.04-3.03, 5.01-5.03, 12.01, 18.00, 18.01; see CRC 204 et seq., GC 26800, 69898
Adoptions	11.1601(c), 18.00(b); JCF 1296.60, 1296.65
Alternative dispute resolution	9.00(A), 9.11(A)(4), 9.12(A)(4)(C)(4), 9.13(A), 9.15(C), 19.04, 19.05(b)
Amendment of rules	1.00, 1.02
Appeals	7.04, 9.18(12), 10.14(e), 14.04, 18.00(b), 25.00(c)(f)
Appearances	
arbitration	26.01
conferences	9.15(D)(1)(E)
criminal cases	10.00(f), 10.01(d)(2), 10.03(b)(c)(1)(b)(2), 10.05(i)(2), 10.08(6), 10.09(b)(2), 10.11(a)(2), 10.13, 10.15(a)(f); see PeC 853.7
generally	9.00(C), 9.03(A)(3), 15.00(a)
nonappearances	15.00(d)
notice	10.10(a)(3)
personal appearances	7.13(A)(1)(3)(B)(1)(d)(C)(2)(3)
probate hearings	11.103, 11.305(c), 11.2002(b)
settlement conferences	7.13(B)(1)(b)
telephone appearances	7.13; see CRC 827, 985(i)(8), 1912(c), SJA 21, GC 68070.1
trial	27.04(b)(3)
Appellate department	14.00-14.03; see CRC 101 et seq.
Application of rules	1.00, 1.01, 1.04, 2.06(a), 7.00, 11.101, 16.00, 19.00, 27.00, 29.01-29.04; see CRC 233, 301, 303, 981, 1202, 1205-1207, 1270, 1901, 1907, 2103-2105, CCP 575.1
Arbitration	
generally	9.02(B), 9.03(A)(3), 9.08, 9.15(C)(D)(2)(E), 9.18(108), 26.00-26.03; see CRC 211, 371, 1600 et seq., CCP 1141.10 et seq.
Assignment of cases	3.00, 3.03, 9.05(A), 9.11(B), 9.13(A), 9.15(D), 9.19(A), 9.27, 10.07(a), 13.01, 15.01(a), 27.04(a); see CRC 213, 214, 226, 1905, 1906, 1909, 1910, 2105, 2106, SJA 29, CCP 392, 395
Associations	1.04(g)(7)
Attorneys	
appearances	10.05(j), 10.08(1)(E); see PeC 977(a)
appointed counsel	14.04, 19.10, 25.03; see CRC 985, SJA 20.5, 20.6, FC 3150
Attorney General	10.00(b), 11.1504
city attorneys	10.00(b)
conflicts of interest	25.01; see CRC 241(b)
court attorneys	9.05(B)
district attorneys	5.00(h), 10.00(b)(e), 10.01(c), 10.02, 10.05(a)(c), 10.06(c)(1)
fees	1.06, 7.15(5)(6), 7.18, 9.03(B), 11.1006, 11.1007, 11.1002(e), 11.1201(c), 11.1507, 19.03, 25.00-25.04, App. C, D; see CRC 225(d)(3), 870.2, 1243, SJA 20.6, 21(d)
meet and confer	9.15(A)(C)
probate duties	App. D
substitution/withdrawal	4.01, 10.08(1)(E)(2)(D), 11.1008; see CRC 315(b), 376, SJA 9
see Appearances, Pro per litigants	
Bonds/undertakings	10.01(d), 11.306, 11.811, 11.1108, 11.1502, 11.1506, 11.1702(a), 11.1804(b), 11.1811(d), 11.1812, 29.11; see CRC 359, 381, PC 2320, 2328, 8480, 8481(a)(1), 8482, 8571, 11622
Briefs	
appellate	14.01; see CRC 105
form	7.03, 19.03; see CRC 105(c), 201, 311, 313, 977

generally	9.07(D)
motions	7.03, 7.05; see CRC 227.5(b), 311-319
trial	27.02(a)
Case management	9.00, 9.01, 9.11(A)(1), 9.12(A)(1)(C)(1), 9.13(A), 9.15(A)(D)(E), 9.18, 9.24; see CRC 2102, GC 68607
Civil actions	
general civil cases	9.24(b); see CRC 1800 et seq.
generally	7.19, 9.00, 9.26, 26.02(a)
limited jurisdiction	
civil cases	9.18, 9.19, 9.27, 14.05(a), 15.01(a), 18.00(b), 18.02
unlimited jurisdiction	
civil cases	9.27, 18.00(b), 18.02
Class action cases	26.00(c)(2)
Clerks	2.04(a), 3.03(a), 5.06, 7.13(A)(3)(C)(2), 9.00(C), 9.11, 9.13(A)(B), 10.01(d)(1)(3), 10.05(f)(h)(i), 10.06(c)(5)(a), 10.07(c), 10.09(b)(2), 10.11(b)(3)(d)(5), 10.14(c)(d), 10.15(a), 11.306, 11.501, 11.811(b), 11.1702, 11.1800(c), 11.1804(b), 11.1901(c), 11.1902(a)(d), 11.2002(b), 11.2003(b), 19.00, 19.01, 19.04, 19.06, 30.01(a)(4)
Commissioners	1.04(g)(4)(C)(D), 2.02, 2.03(a), 2.05(a)(2), 2.06(c), 5.05, 7.13(B)(1)(a), 10.11(b)(1)(C), 10.15(a); see CRC 244, SJA 16, 25(h), GC 72190
Community property	8.02(d)(3); see CRC 1242
Complex litigation	9.18(5); see SJA 19
Compromise of claims	10.08(3)(F), 11.103(b)(4), 11.1002(i), 11.2001, 25.00, 25.01; see CRC 241, PeC 1378
Conferences	
calendar	9.15(D)(2)(3)(F)
case management conferences	9.03(A)(3), 9.07(C), 9.11(A)(2), 9.12(A)(2)(C)(2), 9.13(A)(C), 9.15; see CRC 212
case management	
statement	9.11(A)(3), 9.12(A)(3)(C)(3), 9.13(A), 9.15(B)
chambers conferences	27.01(a)
continuances	9.07(C); see SJA 9
criminal pretrial conference	10.05(a)(b), 10.10(b)
mandatory settlement	
conference	7.13(B)(1)(b), 9.15(F); see CRC 216, 220(c)(5), 222
pretrial conferences	10.05(a)-(c)(e)(f), 10.10(b); see CRC 211, 212, 216, 218-220, 222, 374, 1911(a), 1912, 1914, SJA 9
readiness conferences	10.05(b)(d)(g), 10.06(c)(4)-(6), 10.07(c)
settlement conferences	9.07(C), 9.15(F)
status conferences	9.02(B), 9.15(D)(2)(3)(8)(F)
trial management conferences	27.02(b)
trial setting conferences	9.11(B), 9.13(C), 10.05(a)(b), 10.06(c)(4), 10.07(c), 10.10(b)
Confidentiality	8.02(b), 19.05(e)(k)(3)(m)(1)(d)(n)(2)(5), 19.06, 19.07, 19.08, 29.07(e); see CRC 855, 859, 1216(e), 1224, 1228, JCF JV590, GC312
Consolidation	9.15(D)(4); see CRC 367, 1912(d)(4)
Contractual claims	7.18, 25.02; see CRC 371
Corporations	1.04(g)(7)
Court administrator	2.04, 2.05(a)(2), 2.06(c)
Court locations	2.03, 10.00(c)(d), 10.03(a), 10.07(a), 10.10(a), 16.09, 19.01; see CCP 392-395
Court conduct	2.08
Court reporters	7.13(B)(1)(f), 7.17(b), 18.00, 18.02, 27.04(b)(8); see CRC 981, GC 68086(b)(1)
Criminal cases	
arrests	10.02
arraignments	10.00(g), 10.03(a)(b), 10.05(a)(e)(f)(h), 10.06(b)(3)-(5)(c)(1), 10.12(b), 10.15; see CRC 227.3(2)(3), 227.4, PeC 858, 859, 859a, 859b, 860

bail	10.01, 10.03(c)(1)(A)(2), 10.05(h)(3)(i)(1), 10.11(b)(2), 10.12(b), 10.14(c)(d), 10.15(c)(f), 30.01(a); see PeC 1275
continuances	10.00(h), 10.08, 10.12(b); see CRC 227.7
Criminal cases (cont'd)	
Director of Criminal Operations	10.11(b)(1)
diversion	10.08(3)(E)
custody	10.00(f), 10.03(a)(2), 10.05(f), 10.10(a)(1)(2), 10.11(e)
felony cases	10.03(a)(2)(3)(b)(1)(c)(1), 10.06, 10.07(a)(c)(e)(1), 10.10(a)(2), 10.13, 13.00(k), 18.00(b)
generally	2.04(a), 10.11(d)
indictments/information	2.01(f), 10.00, 10.06(b)(3)(4), 10.13; see CRC 227.3(1)(2)
infractions	10.10(a)(2), 10.15(b)(f), 10.16, 14.05(a), 15.01(a), 18.00(b)
investigations	10.05(d)
jail time	10.11(a)(2)(e)
misdemeanors	10.03(c)(1)(A)(B)(2), 10.05, 10.06(b)(4), 10.07(c)(e)(2), 10.08(3)(H), 10.10(a)(2)(3)(b), 10.13, 10.15(b)(g), 10.16, 14.05(a), 15.01(a), 18.00(b), 18.02; see PeC 853.7
motions	10.06(c)(5)(a), 10.07(e); see CRC 227.4(1)(iii), 227.5, 227.7, SJA 10.1
parole	13.00(k)
pleas	10.03(a)(3), 10.05(a)(g), 10.06(c)(1)(7), 10.15(a)(d)
preliminary hearings	10.06(c)(1)-(3), 10.07(e)(1), 10.13
pretrial conferences	10.05(a)(b); see CRC 227.6
probation	10.03(c)(1)(A), 10.05(i)(1), 10.06(b)(3)(4)(8), 10.11(b)(3)(c)(d), 10.15(d)(e); see PeC 1203
sentencing	10.06(b)(4)(5), 10.11(e), 10.15(f)(g); see CRC 401 t seq.
warrants	10.02, 10.03(c)(1)(A)(2), 10.05(i)(1)(2)(D), 10.07(e)(3), 10.11(a)(2), 10.15(f)
Defaults	1.06, 5.05, 7.15(3), 7.18, 9.03(B), 9.14(B); see CRC 870(a)(2), 1215(d), 1237, 1240, 1241, 1243, JCF 982(a)(6), 1286, 1286.50
Demurrers	4.03(a), 7.01, 7.05; see CRC 227.3(3), 303(c), 325, 329, 1215(a), 1911(d)
Department of Social Services	12.02, 12.03, 12.12
Departmental organization	2.03
Detention facilities	12.02-12.04
Discovery	
criminal cases	10.05(d), 10.06(c)(1)
depositions	5.00(f), 7.04, 19.05(f); see CRC 335(a), 337, JCF 982(a)(15.1)(15.2)
disputes	3.03(b), 7.10; see CRC 335, 337
generally	9.15(D)(5), 9.18(7)
interrogatories	5.00(f); see CRC 331, 335(a)-(c), JCF FI120-FI129
mediation	9.07(C)(4)
Dismissal	1.06, 7.15(2), 9.02(A)(3), 9.03(B), 9.09(A), 9.15(D)(1), 10.05(g), 10.06(c)(7), 10.08(3)(H), 10.12(a)(1)(2), 10.13, 14.03; see CRC 218, 225(b)(c), 325(f), 372, 373, 1912(d)(1)(2), JCF 982(a)(5)
Disposition	9.00, 9.18, 9.24(a), 10.05(d), 10.06(c)(1)(2)(4); see SJA 2.1, 2.3 10.13
Economic hardship	25.00(d), 25.03, 26.02; see CRC 985, 1907(f), SJA 20.6(b)-(e)
Electronic recordings	7.13(B)(1)(f), 18.02; see CRC 980
Eminent domain proceedings	4.03, 16.06(a)(1); see SJA 8(d)
Evidence	
accounts	App. B
administrative record	7.16
attorney fees	25.03(a)(b)(d), 25.04, App. C
criminal cases	10.14(f)
declarations	
bail	10.01(d)(1)(3)(e), 10.14(c)
deposited funds	11.2002
ex parte applications	15.00(e); see CRC 379

family law cases.....	19.05(c)
financial documentation.....	14.04; see CRC 1225(b), 1243, JCF 1285.40, 1285.50-1285.60, 1292.15
form	4.00, 19.03; see CRC 315(a), JCF MC030, MC031, CCP 2015.5
Evidence (cont'd)	
declarations (cont'd)	
generally	9.04(B)
law and motion.....	7.05, 7.08; see CRC 315(a), 323(a)
mediation.....	9.07(C)(3)
probate cases	11.305(b)(d), 11.401(a), 11.504, 11.1201(b)(1), 11.1704(b), 11.1801(b), 11.1806(b); see JCF DE130-DE135, DE305, GC335, PC 1890, 2356.5
sanctions	10.08(1)(E)
uninsured motorist status....	9.02(A)
depositions	9.15(D)(6)
documents	2.04(a), 7.13(B)(2)(b), 8.02(d)(3), 9.12(A)(C), 9.13(B), 10.07(d)(2), 11.1809, 14.04, 14.05(a)(1), 19.04, 19.05(m)(2)(a)(e)(4)(a)(6), 19.06, 27.02(a)
exhibits	5.00, 5.05, 7.04, 7.20, 9.07(D), 10.07(d)(2), 10.14(d), 11.1501(c), 27.02(b); see PeC 1417.3
experts	9.15(D)(6), 9.18(8), 19.05(m)(2)(f); see CCP 2034
law and motion	7.08
objections	10.07(e)(3), 11.107(b), 11.109(c), 19.05(c), 27.04(b)(4)
oral testimony	7.08, 7.13(B)(1)(b)
presentation	27.04(b)(4)
reports/recommendations	12.12; see CRC 1257, CC 4602
subpoenas	10.08(1)(G); see JCF 982(a)(7)(8)(15)-(16)
suppression	12.13
transcripts	5.00(f), 7.13(B)(1)(f), 10.07(b)
verified pleadings	7.08; see CCP 446
witnesses	2.04(a), 9.15(D)(6), 9.18(8), 10.08(1)(G)(2)(D)(3)(D), 10.09(a), 10.14(f), 11.305, 27.02; see CRC 985(j)(3)(5), 1912(d)(6), JCF DE130, DE131, CCP 2034
Executive officer	2.04(a); see GC 26800, 69898
Ex parte matters	11.308(a), 11.1800(c), 15.00-15.03, 19.05(f), App. D; see CRC 379, JF 1287.50, DE270, DE275, GC070, GC075
Family law cases	
child abuse	19.05(m)(2)(c)(4)(n)(8); see PeC 11164-11174.1
child custody	8.02(d)(3), 19.05; see CRC 1252(a)(b), 1254(a), 1257, 1257.3, SJA 20.5, 26, JCF 1291.10, 1296.31A-1296.31B(3), MC150, CCP 640.1, 4600 et seq.
domestic violence	10.05(j), 19.04, 19.05(h)(9)(m)(2)(c)(n)(8); see CRC 303(a)(1), JCF 1296.29-1296.40, FC 6200-6389
evaluations/evaluators	19.05-19.09; see CRC 1257.3, 1257.57, EC 750, FC 185, 186, 3111, CCP 2032
ex parte applications	15.00(c), 15.01(c); see CRC 301
Family Court Services	19.05(c)(e)
hearings	18.00(b), 19.07; see CRC 1249, 1253(a)
motions	3.03(b), 7.00; see CRC 301, 1229-1239, JCF 1285.10, 1285.40
parents/guardians	19.05(k)(3)(m)(2)(n)(4)
Policies and Procedures	
Manual	19.00
restraining orders	8.02(d)(3); see CRC 363, JCF 1285.05, 1296.10
support	8.02(d)(3), 11.1604; see CRC 1274, JCF 1285.25-1285.39, 1285.80, 1296.31C, 1297-1297.93, MC340, CC 4357(b), 4382, 4383, 4700 et seq., CCP 640.1
visitation	8.02(d)(3), 19.05(m)(3)(c); see JCF 1296.31A
see Appearances, Defaults, Judgments, Orders, Orders to show cause, Sanctions	

Fees and costs	7.13(B)(1)(c), 7.15(5)(6), 7.17(b), 9.03(B), 9.07(A)(4)(D), 9.28(c), 10.01(d)(4), 10.08(5), 10.11(b)(1), 10.12(a)(2), 11.1008, 19.05(j)(m)(1)(e), 19.09, 26.02, 27.04(b)(8), 30, App. D; see CRC 870, 985, JCF MC010, MC011, GC 24383, 68086(A)(1)
Files	5.06
Filings	
access	5.02; see CRC 243(a), 243.5
agreement for distribution	11.2002
assignment of interest	11.1106
confidentiality	8.02(b), 29.07(e); see CRC 855, 859, 1216(e), 1224, 1228, JCF JV590, GC312
copies	4.02, 4.03(b), 5.00(a)(c), 5.05, 7.13(B)(2)(a), 7.20, 9.13(A)(B), 10.00(e), 10.05(a), 10.09(b)(3), 11.309(b), 11.702, 11.1501(c), 11.1702(a), 14.01, 14.03, 19.00, 19.05(g)(m)(4)(a)(1)(7), 19.10; see CRC 982(e)(f), 985(i)(2)
declarations	4.00, 7.05; see JCF 1285.40, CCP 2015.5
duties and liabilities of	
personal representative	App. D
ex parte applications	15.03
exhibits	5.00, 5.05, 7.04, 29.06; see CRC 201(a)(b), 311(b)
extensions of time	9.04(A), 10.12(a)(2); see CRC 235, 1203, 1903, 1904
fees	7.17, 29.07(c)(5)(d), 29.10; see FF, CRC 805, 985(i)(1), 1269.5(d), 1271(b), JCF 982(17)-(19)
fax transmissions	7.13(A)(4), 29.01 et seq.; see CRC 2001 et seq.
form	1.04(d), 4.00, 5.03, 7.01-7.03, 7.13(A)(4)(B)(2)(b), 11.105-11.108, 11.702, 19.03, 29.04, 29.08; see CRC 201, 311-319, 982-982.9, JCF
income and expense declaration	11.1002(j); see CRC 1225(b), 1243, JCF 1285.50-1285.50b, 1292.15
inventory and appraisal	11.1805; see JCF DE160, DE161, GC040, GC041, PC 2613
moving papers	7.05, 7.07; see CRC 311(a), 313(a), 329, 373(a)(b)
notice of appeal	14.04
opposition papers	7.04, 7.05, 11.104(a), 14.05(a)(1); see CRC 201(c)(6), 227.5(a), 313(d), 317(a), JCF 982.5(7), 1282, 1285.40, 1296.20, MC020
pleadings	4.03(b)(d)(e), 5.00, 12.04; see CRC 201(c)(6)(e), 207, 1231
proof of compliance	10.11(d)
proof of completion	10.12(a)(2)
proof of service	5.03, 9.12(B), 11.1401(3), 19.02, 19.04; see CRC 1201(e), 1240, JCF 982(a)(23), 1296.40, GC030
reply papers	7.05, 11.104(a); see CRC 227.5(a), 313(d), 317(a)
service	7.13(B)(2)(a), 9.07(C)(3), 9.12, 9.13(B), 9.14(A), 9.15(B)(D)(1), 9.26, 10.10(a)(3), 10.15(g), 11.104(a), 19.04, 19.06
social study reports	12.12
statement of economic	
interests	2.06(b)(c)
striking	29.06
time requirements	7.13(A)(4)(B)(2)(a), 9.02(B), 9.07(A)(2)(D), 9.12(A)(B), 9.13(B), 9.14(B), 9.15(A)(B), 9.26, 9.28(a)(b), 10.00(f), 10.01(d), 11.104, 11.501, 11.1101, 11.1505(d), 11.1702(b), 27.02(a); see CRC 235, 317(a), 1904
vouchers	11.904
see Demurrers, Motions, Petitions	
Fines	10.11(b)(d)(4), 10.15(c)(d)(g), 30.01(a)
Gifts	2.07
Grand jury	2.01(f), 16.08; see PeC 909
Grover Beach branch	2.08(d)(22), 16.09
Habeas corpus	10.16, 13.00(i), 13.02, 14.05; see CRC 201(f), 260, JCF MC275
Hearings	
appellate department	14.02, 14.03; see CRC 103, 134

attorney fees	25.03(b)(d), 25.04
calendaring	3.03, 5.03, 7.06-7.9, 9.28(a), 10.01(d)(2)(3)(e), 10.03(a), 10.05(j), 10.06(c)(5)(a), 10.08(1)(G), 11.308(a), 11.1505(d), 11.1800, 11.1802, 12.09, 14.00, 14.05(a)(4), 15.00(c), 19.06, 19.07; see CRC 321(a)(b), 1436(a)
commitment	13.00(a)(b)(e)-(h)
continuances	7.06, 7.13(B)(1)(e), 9.00(C), 9.05(B)(C), 9.28(a), 10.07(e)(1)(A), 11.109(c), 11.110, 11.305(c), 11.2002(b), 14.05(a)(1); see SJA 9
criminal cases	10.03(a)(3)(b)(1), 10.07(e)(1)(A); see CRC 227.3, 227.10
default hearings	7.18, 9.14(B)(2)
ex parte hearings.....	15.00(d), 15.03
hearing order preference.....	7.13(A)(2)(B)(1)(a)
notice	10.07(c)(d)(1)(e)(2), 11.110, 11.1008, 14.04, 25.03(b), App. A; see JCF JV280, JV300, DE120, DE154, DE200, GC020-GC022, PC 1205
probation violation hearings	10.06(c)(8)
oral argument.....	7.13(B)(1)(b), 11.111(a)
small claims cases	9.28(a)
trailing	10.08(6)
see Briefs, Demurrers, Evidence, Filings, Motions, Orders, Orders to show cause, Petitions	
Incompetent persons	11.1704, 25.00, 25.01; see CRC 241, PC 810-814
Indigents	14.04
Insane persons	25.00
Insurance claims	25.00(c)(5)(6), 25.01, 27.04(b)(3)
Interpreters	28.00, 28.01; see CRC 904, 985(i)(5)(j)(2), JCF 982(17)-(20), SJA 18-18.3, GC 68562
Judges	
assigned judges.....	9.00(A)(C), 9.05(A), 9.07(E), 9.11(B), 9.13(A), 9.19(A), 9.27, 10.01(d)(2), 10.06(c)(5)(a), 10.07(a), 11.109; see CCP 392, 395
chambers	2.03(c)
criminal judges	10.00(f), 10.01, 10.02, 10.06(a)(b)(1)-(5), 10.11(b)(1)(C), 10.16, 15.01(a)
definition	1.04(g)(4)(A)(B), 2.05(a)
family law judges	19.05(e)
generally	7.13(B)(1)(a)
grand jury	16.08(b)(f)
judicial officers.....	1.04(g)(5), 2.00(d), 9.00(C), 9.07(D), 9.28(c), 19.05(e)(h), 19.10
meetings	1.05, 2.00, 2.01(a), 16.08(f); see CRC 205(8)(14), 227.8
presiding judge	1.04(g)(4)(E), 2.00(c), 2.01, 2.03(b)(c), 2.04(b), 2.08(b)(1)(d), 3.00-3.03, 9.08(B), 10.06(a), 11.111(b), 12.09, 14.00, 15.01(a)(f)(e), 16.08, 18.00(a), 18.01, 19.05(e), 27.04; see CRC 204 et seq., PeC 904.6
probate judges.....	11.109(b), 11.308(a)
removal of judges	2.01(a)
retired judges	1.04(g)(4)(B)
sentencing judges	10.11(e)
submitted matters	3.02
temporary judges	1.04(g)(4)(E), 3.02, 27.04(b)(8); see CRC 205(21), 244, 532, 796
Judgment debtor examination.....	7.13(B)(1)(b)
Judgments	1.06, 2.04(a), 7.15(3), 7.18, 9.09(A), 9.14(B), 19.05(h), 25.00(a), 24(Ex. A); see CRC 232, 232.5, 234, 236, 870(a)(2), 1223, 1244-1248, 1273, 1436(a), JCF 1287-1290, 1295.20, EJ100 et seq.
Juries	
commissioner.....	2.04(a), 7.17, 16.08(g), 16.09; see CRC 207
disqualification/excuse	16.03; see CCP 203, 204
fees	16.06(a), 27.04(b)(8); see FF, CRC 985(j)(1), JCF 982(18)-(20)

-
- instructions 27.01, 27.02(a)(8), 27.04(b)(6); see CRC 229, 989(b), 1914(a), SJA 5, CCP 607a-609, 612.5
 - Jury Commissioner 16.01-16.03, 16.05, 16.07, 16.08
 - jury district 9.27
 - mental health proceedings 13.01
 - motions in limine 27.02(a)(6), 27.03; see CRC 1914(b)
 - panels 16.05, 16.09; see 198.5, 200, 213
 - selection 16.02, 16.03, 16.05, 16.07, 16.08, 27.04(b)(2); see CRC 228-228.2, SJA 4.5, 8-8.7, CCP 198, 202, 204.7, 219, 222
 - summary jury trial 27.04, 27.05
 - verdicts 27.02(a)(8), 27.04(b)(7); see CRC 230
 - voir dire 27.02(a)(4)(b)
 - Jurisdiction 5.01, 9.09(A), 9.13, 11.309(b), 14.05, 15.01, 18.02, 19.05(m)(4); see CCP 1068(b), 1085(b), 1103(b)
 - Juvenile court cases 2.03(b), 12.00-12.13, 15.01(b), 18.00(b); see CRC 241.2, SJA 24, JCR, JCF JV100-JV740
 - Juvenile services center 2.08(d)(4)
 - Law and motion 3.03(b), 7.00-7.16, 7.17, 9.00(C), 9.05, 9.15(D)(7), 9.18(15), 10.07, 11.104(a), 11.112, 15.00(e), 18.00(b); see CRC 201.5(a), 301-391, 1912(d)(7), SJA 22, PC 1000
 - see Filings, Hearings, Motions
 - Lis pendens 4.03(b); see CRC 1219, CCP 409
 - Lodged materials 5.00(f), 5.02(b), 5.05, 7.04, 7.16, 11.304(b), 19.05(h)(7), 19.06; see CRC 319(b)
 - Mandatory settlement conference... 7.13(B)(1)(b); see CRC 216, 220(c)(5), 222
 - Master calendar 13.01, 19.01, 27.01(e), 27.03, 27.04
 - Mediation 9.06, 9.07, 9.15(E), 9.18(10); see SJA 26, EC 1115 et seq.
 - Medical treatment 13.00, 13.02; see JCF GC335, GC380, GC385
 - Mental health proceedings 13.00-13.02, 18.00(b), 19.05(h)(4), 19.06
 - Minors 11.103(b)(4), 11.1103, 11.1803(c), 11.1808, 11.1901-11.1903, 11.2001-2002, 12.00-12.13, 19.05(k)(3), 19.06, 19.10, 25.00, 25.01; see CRC 241, JCF GC210, GC240, PC 3400, 3401, 3410-3413, 3900-3925
 - Motions
 - bail, forfeiture of 10.01(d); see PeC 1304
 - continuances 7.06, 10.08, 11.110; see CRC 374, 375, SJA 9, PeC 1050
 - criminal cases 10.06(c)(5)(a), 10.07(e); see CRC 227.4(1)(iii), 227.5, 227.7, SJA 10.1
 - discovery 3.03(b); see CRC 301, 331-337
 - ex parte motions 9.05(A)
 - form 10.01(d)(1), 10.07(d); see CRC 312
 - in limine motions 10.05(b), 27.02(a)(6); see CRC 1914(b)
 - motion to amend 10.00(g)
 - motion to strike 1.06, 10.05(b); see VC 41403(c)
 - notice of motion 7.05, 7.07, 9.04(B), 9.05, 9.26, 10.05(b), 10.07(b)(c); see CRC 311(a), 313(a), 329, 373(a)(b)
 - peremptory challenges 10.06(b)(5), 19.05(c); see CCP 170.6
 - post judgment motions 9.28(a)
 - probation, modification of 10.11(a)
 - production of original
 - document 29.05(f)
 - sanctions 7.15
 - service 10.07(b), 10.08(1)(F); see CRC 227.4(1)(iii), 227.5(b)
 - set aside information 10.06(c)(5)(a), 10.07(a); see PeC 995
 - suppression of evidence 10.07(e), 12.13; see PeC 1538.5
 - see Demurrers, Filings, Hearings
 - Notice

appearances	10.03(b)(2), 10.10(a)(3)
bail	10.01(c)-(e), 10.14(c)
conferences	9.11(A)(2), 9.12(A)(2)(C)(2), 9.13(A)
criminal cases	10.05(i)(2), 10.11(a)(1)(d)(5)
generally	7.15, 9.26, 18.00(c)
mediation	9.07(A)(2)
notice of appeal	14.04
rulings	7.20
writs	14.05(a)(3)
Orders	
accounts	10.11(b)(1), 11.901, App. B
arbitration	9.03(A)(3)
attorney fees	11.1201(c), 25.03(b)-(d), App. C
attorney substitution/	
withdrawal	4.01, 11.1008; see CRC 376(d)
bail	10.11(b)(2)
blocked accounts	11.1901, 11.1902, 11.2002
confirmation of sale	11.804, 11.808(c); see JCF DE260, DE265, GC060, GC065
conservator, appointment of	11.1702(b)
continuing payments	11.503
court orders	5.00(h), 9.03(A)(3), 9.04(A)(B), 19.05(m)(2)(b), 9.07(A)-(C), 9.08(A), 9.15(D)(2)(3)(6)-(8), 11.110, 11.811(b), 11.1702(a), 11.1704(b), 11.1804(b), 11.2002(b), 19.05(g)(j)(k)(m)(4)(a)(1)(n)(10); see PC 1880
discharge	11.1101, 11.1109, 11.1809(d), 11.1812; see PC 12201, 12250, 12251
distributions	11.404, 11.1101, 11.1103(a), 11.1812, 11.2002
entry of orders	10.08(2)(B)
ex parte orders	11.401(b)(c), 15.00(e), 15.03; see JCF DE275
evaluation	19.05(h)
family allowance	11.403; see PC 6540 et seq.
fees	7.13(B)(1)(c)
form	7.19; see CRC 391
letters of conservatorship	11.1701(c)
mediation	9.15(D)(2)
minute orders	2.04(a), 5.01
modification	9.00(D)
money, deposit into blocked	
accounts	11.306(e), 11.811(b), 11.1702(a), 11.1804(b), 11.1901(c), 11.1902(d), 11.2003(b); see JCF MC355, MC356
notice	11.505; see JCF DE200, GC021, GC022
nunc pro tunc orders	11.504
orders after hearing	7.19
pretrial orders	9.15(D)
proposed orders	9.14(B)(3), 15.03; see CRC 391
restraining orders	8.02(d)(3); see CRC 363, 1216(c)-(e), JCF 1285.05, 1295.90-1296.29, 1296.61, JV250, CCP 527.6
shortening of time	7.06(c), 10.07(b), 15.00(e); see CRC 305, 1901(b)
trustees	11.1503, 11.2002
withdrawal of funds	11.1902(c)
Orders to show cause	14.03, 14.05(a)(4), 15.01(c), 26.01; see CRC 363(c), 1226, JCF 1285, 1285.40, 1285.60, 1296.15, 1296.20
Parties	7.13(B)(2)(a), 9.02(A)(B), 9.03(B), 9.04(B), 9.05(C), 9.07, 9.08(A), 9.09(A), 9.12(A), 9.13(B), 9.14(A)(B)(1), 9.15(A)(B)(D)(1)(6), 9.18(3)(6), 9.19(D), 9.24(b), 9.26, 9.27,

	10.01(d)(2)(4), 18.00(b)(c), 19.04, 19.05(b)-(d)(h)(k)(4)(m)(2)(3)(b)(n), 19.06, 19.07, 19.08, 27.02(a)(3)(b); see PeC 1306
Paso Robles branch.....	2.08(d)(3), 16.09
Personal injury cases	25.00; see CRC 1604, 1907(f), JCF 982.1(1)-(6)
Personnel	2.05, 2.06; see GC 71600 et seq.
Petitions	
blocked accounts	11.1901, 11.1902, 11.2002
confirmation of sale.....	11.804, 11.806, 11.811(b); see JCF DE260, DE065
conservators, powers for.....	11.1704(c); see PC 2355
evaluator withdrawal	19.05(d)
ex parte applications	11.401, 11.1901(b), 11.1902(a); see CRC 379, JCF DE270, DE275
habeas corpus	10.16
notice	11.1803, App. A
petition for allowance of fees/	
commissions.....	11.812, 11.1001(b), 11.1507; see PC 10160 et seq.
petition for appointment of	
administrator	11.308, App. D; see PC 8540 et seq.
petition for appointment of	
conservator	11.1701, 11.1800, 11.1801, 11.1802, 11.1803(b), 11.1809(a); see GC110- GC150, GC310, PC 1721, 2340 et seq.
petition for appointment of	
guardian	11.1601, 11.1800, 11.1801, 11.1802, 11.1803(b), 11.1809(a), 11.2002; see GC110, GC210, PC 1510, 1511, 1541, 1542, 2340 et seq.
petition for appointment of	
trustee	11.1502, 11.2002; see PC 17200, 15800 et seq.
petition for authority to expend guardianship	
funds for support.....	11.1604
petition for compensation	11.1002, 11.1006
petition for distribution.....	11.404, 11.1002, 11.1003(c), 11.1101, 11.1102, 11.1401(1)(3), 11.2002, App. C; see PC 10830, 10832, 11700 et seq.
petition for fees.....	11.1006(c); see PC 2640
petition for instructions.....	11.402, 11.1501(c); see PC 1700 et seq.
petition for letters	11.303, 11.306(b), 11.601; see JCF DE150, GC250, GC350, PC 6400 et seq., 21114, 21115
petition for probate	11.304, 11.309(b); see JCF DE110, DE111, EC 1530
petition for termination.....	11.1806(a), 11.1813
petitions for writs.....	10.16
petition to establish fact	
of death	11.1201
petition to set aside	
decedent's estate	11.1003, 11.1301-11.1303; see PC 6600-6613
petition to withdraw funds.....	11.1902(a), 11.1903
Photographs/recordings/broadcasts	10.09, 18.02; see CRC 980
Pleadings	
amendment	10.00(g), 11.108; see CRC 325(e)-(g), 327, 1903(a)
answers	9.03(B), 9.14(B)(3)
complaints	9.00(A)(B), 9.11, 9.12, 9.15(F), 10.00, 10.05(a), 10.06(b)(3)-(5)(c)(1), 10.12(a)(2)
cross-complaints.....	9.12(C), 9.18(4); see CRC 202, 209(a), 1903(b), 1909(b), 1911(b)-(d), JCF 982.1(14)
eminent domain proceedings ...	4.03(a)(b)(d)(e)
exhibits	5.00, 5.05
filing	4.03(b)(d)(e), 12.05; see CRC 201(c)(6)(e), 207, 1231, 1911
form	4.00, 4.03(a), 9.27; see CRC 201, JCF 982(a)(13), 982.1, 1201 et seq., MC020

property identification	4.03
referencing	5.00(c), 7.01
responsive pleadings.....	4.03(a)(b), 9.12(B), 9.14; see CRC 325(a)(e), 1215(c), 1227, 1230-1239, JCF 982(a)(13), 982.1(15)(35)(95), 1285.40, 1296.20
service	4.03(b); see CRC 202, 1216(b)(c), 1240, 1248, 1510, 1911, 1912(d)(2), JCF 982(a)(4), 1283.5, DE125
striking	7.15(1); see CRC 329, 1229
verification	11.107, 11.1101, 11.2002(b); see CCP 446, PC 1023
see Demurrers, Filings, Petitions	
Policies and procedures	1.01, 2.05(b), 12.01
Pretrial conferences	10.05(a)-(c)(e)(f), 10.10(b); see CRC 211, 212, 216, 218-220, 222, 374, 1911(a), 1912, 1914, SJA 9
Pro per litigants	7.13(A)(4), 14.04, 19.00, 19.06, 19.10
Probate cases	
accounts	11.901-11.904, 11.1002(g), 11.1105(b), 11.1006(c), 11.1401(2), 11.1503, 11.1803, 11.1806, 11.1809(c), App. A, B; see PC 1060 et seq., 10900
ancillary probate	11.308(c); see PC 12510 et seq.
appraisals	11.813
beneficiaries/heirs.....	11.303(a), 11.306(b), 11.1504, 11.1505, App. D; see PC 17200 et seq.
blocked accounts	11.811(b), 11.1702(a), 11.1804, 11.1901, 11.1902, 11.2002
conservatorships	11.103(b)(3), 11.901, 11.1001(a), 11.1002(b), 11.1006, 11.1701-11.1703, 11.1800-11.1813, 13.00(d), 29.11; see JCF GC020-GC150, GC310, GC385, PC 1460, 1511, 2250, 2574(b), 2591, 2640, 2641, 2643, 2850, 10800, 16040(a)(b), 16045 et seq.
court investigators	11.1704(c), 11.1806(g), 11.1807, 11.1809; see JCF GC330, GC340, PC 1826
creditors' claims	11.701, 11.702; see JCF DE157, DE170-DE174, PC 9050
distributions	11.404, 11.1002, 11.1003(c), 11.1101-11.1109, 11.2002, App. C; see PC 904, 911, 9202, 11700 et seq., 12000 et seq., 14000, WIC 14000 et seq., 14200 et seq., RTC 19513
executor/administrator	11.301-11.309, 11.402, 11.403(b); see PC 9611
ex parte applications	11.308(a), 11.403(a), 11.1201(b), 11.1800(c), 11.1902(a), 15.01(d), App. D; see CRC 301
family allowance	11.403
fees/costs/commissions.....	11.805, 11.1001-11.1009, 11.1002(f)(g), 11.1810, 11.1901(c); see PC 10160 et seq.
guardianships.....	11.103(b)(3), 11.901, 11.1001(a), 11.1002(b), 11.1006, 11.1103(c), 11.1601-11.1604, 11.1800-11.1813, 29.11; see CRC 1436(a), JCF GC020-GC250, JCF JV825, WIC 366.25, 366.26, CC 232, PC 1460, 1822, 2250, 2574(b), 2591, 2640, 2641, 2643, 3410-3413, 10800, 16040(a)(b), 16045 et seq.
hearings	18.00(b); see JCF DE120
heirs/beneficiaries.....	11.303(a), 11.306(b), 11.1504, 11.1505, App. D; see PC 17200 et seq.
Independent Administration of	
Estates Act	11.1401-11.1402; see JCF DE165, PC 10400 et seq.
inventory and appraisal.....	11.306(d), 11.403(a), 11.601-11.604, 11.802, 11.813, 11.1006(c), 11.1805; see JCF DE160, DE161, GC040, GC041, PC 2610, 2613, 8800, 8804, 8850, 8852, 8900 et seq.
joint tenancies.....	11.1003(d), 11.1201; see PC 200-204
letters	11.303, 11.308, 11.1702, 11.1803(b), 29.11; see JCF DE150, GC250, GC350, PC 6400 et seq., 21114, 21115
notices	11.201-11.205, 11.308(b), 11.701, 11.704, 11.801, 11.803, 11.1002(f)(i), 11.1401(1), 11.1505, 11.1803, App. A; see PC 1202, 1460, 1511, 1822, 6541(c), 9150(b), 10300, 10451, 17203
personal representatives.....	11.302, 11.306(d), 11.307, 11.403(a)(d)(5), 11.601, 11.602, 11.701-11.703, 11.805, 11.808, 11.901(c), 11.903(b), 11.1002, 11.1005, 11.1008, 11.1102(e), 11.1105, 11.1109, 11.1803(c), App. C, D; see JCF DE147, PC 8404
sales	11.103(b)(2), 11.401(d), 11.801-11.813, 11.1005(a); see JCF DE260-DE275, GC060-GC075, PC 10150

small estates	11.1303, App. D; see PC 13100 et seq., 13500 et seq., 13200 et seq.
Probate cases (cont'd)	
surviving spouse	11.308(b), 11.1302; see PC 13651
taxes	11.604, 11.1005(a), 11.1002(h); see PC 8800(d), IRS 480, 6166
temporary appointments	11.1802; see JCF GC110-GC150
trusts	11.902, 11.1102(c), 11.1006, 11.1105, 11.1501-11.1507, 11.1704(a); see PC 12001 et seq., 15603, 15660, 15682, 17000 et seq., 17200 et seq., 17300, 17303, 17351, 17352
wills	11.304, 11.305, 11.1102(c), 11.1103(a), 11.1107, 11.1506(c), 11.1704(a), 29.11; see JCF DE130-DE135, PC 6110 et seq., 8220 et seq.
see Filings, Orders, Petitions	
Promissory notes	25.02(a)
Publication of rules	1.02
Real property	2.06(c), 4.03, 11.802, 11.803, 11.808, 11.1303(b); see JCF DE260, DE265, DE305-DE315, GC060, GC065, PC 10309(a)(1)
Readiness conferences	10.05(b)(d)(g), 10.06(c)(4)-(6), 10.07(c)
Referees	1.04(g)(4)(C), 2.02, 2.03(a), 2.05(a)(2), 5.05, 11.603, 12.06, 12.08, 12.09, 15.01(b)
Reporting	18.00, 18.01, App. D; see CRC 985(i)(7)(j)(4), JCF 982(17)-(20)
Rules	
amendment/repeal of rules	1.05
application of rules	1.00, 1.01, 1.04, 2.06(a), 7.00, 11.101, 16.00, 19.00, 27.00, 29.01-29.04; see CRC 233, 301, 303, 981, 1202, 1205-1207, 1270, 1901, 1907, 2103-2105, CCP 575.1
arbitration	26.04
Sanctions	1.06, 7.15, 9.03, 9.15(B), 10.08(1)(E)(F)(5), 26.01, 27.04(b)(3); see CRC 225(e), 227, 1908, 1912(c), CCP 128.5, 177.5, 575.2
San Luis Obispo branch	2.08(d)(1), 16.09
Service	
filing of service	9.07(C)(3), 9.12, 9.13(B), 9.14(A), 9.15(B)(D)(1), 10.10(a)(3), 10.15(g), 11.104(a), 19.04, 19.06
motions	10.07(b), 10.08(1)(F); see CRC 227.4(1)(iii), 227.5(b)
personal service	9.28(c)
pleadings	4.03(b); see CRC 202, 1216(b)(c), 1240, 1248, 1510, 1911, 1912(d)(2), JCF 982(a)(4), 1283.5, DE125
proof of service	5.03, 9.12(B), 11.1401(3), 19.02; see CRC 1201(e), 1240, JCF 982(a)(23), 1296.40, GC030
Settlement negotiations	2; see CRC 211(c)(7), 212(b)(6), 216, 220(c)(5), 222, 1912(d)(9)
Settlements	9.07(B)(3), 9.09, 11.2001, 16.06(a)(2), 19.05(k)(4), 25.00(a)-(d); see CRC 222(d), 225(a)-(c)(e), 241, CCP 664.6
Small claims cases	9.28, 18.00(b), 26.00(c)(3)
Stipulations	
admissions	27.02(a)(3)
arbitration	9.09(A), 9.15(D)(3), 26.00(a)(1); see CRC 209(b)(2), 211(a), 1600(a), 1601(a)(c), 1602, 1607(a)(b), 1613(b)(3)(i)
attorney substitution	4.01
continuances	7.06(c), 10.08(4); see SJA 9, GC 68616(d)
criminal cases	10.05(a)(b)
defaults	9.14(B)(3)
evaluations	19.05(n)(10), 19.06; see CRC 1257
exhibits	5.05
expert witnesses	9.15(D)(6)
extensions of time	9.04(A), 9.14(A); see CRC 1904, 1911(d)
judgments	11.2001; see CRC 1223, JCF 1282.50
mediation	9.15(D)(2)
summary jury trial	27.05

testimony	10.08(2)(D)
Summons	9.12
Superior court	1.03, 10.00(a), 10.06(a)(b)(5)
Traffic cases	2.04(a), 10.11(d), 10.12, 12.07
Traffic school	10.12(a)(1); see CRC 851
Transfer of cases	9.13, 9.27, 10.10(a)(1)(3), 12.07, 13.01
Trials	
bifurcation	9.15(D)(4); see CRC 232.5, 1269, 1269.5, 1912(d)(4)
by declaration	10.14; see VC 40902
chambers conferences	27.01(a)
continuances	9.26, 10.08, 16.06(a)(2); see CRC 227.7, 374, 375(a), SJA 9
court trials	10.05(e)
de novo	10.14(e), 18.00(b), 26.01
jury trials	9.19(C), 9.27, 10.06(c)(4)(7), 10.10(a)(2)(b)
long causes	27.04
motions	27.03; see CRC 377, 1520, 1521(a)
notice	10.05(j)
setting	5.03, 9.15(F), 9.19(D), 10.05(d)(e)(j), 10.06(c)(7), 10.07(d)(2), 10.08, 10.10(b), 16.06(a)(1), 27.03, 27.04(a); see CRC 211(c)(3)(4), 215-220, 227.4(1)(i), 374, 375, 1912(d)(9), SJA 9, 11.5, PeC 1050
trailing	10.08(6)
trial setting conferences	10.05(a)(b), 10.06(c)(4), 10.07(c), 10.10(b)
see Briefs, Evidence, Family law cases, Juries	
Uninsured motorist cases	9.02, 9.18(17); see CRC 1907(c), 2103(c)
Unlawful detainer	25.00(b), 26.00(c)(4); see CRC 325(e), 870.4, 1600.5(d), JCF 982(a)(11), 982.1(90)(95), FI128
Venue	9.27
Waiver	
accounting	10.11(b)(1), 11.704, 11.902, 11.1003(b), 11.1808; see PC 10954
bond	11.306(b), 11.811(a); see PC 8481(a)(2)
certification of interpreters	28.00
fees/costs/commissions	11.1002(e), 11.1810, App. C; see CRC 985(i)(j), PC 1851.5
jury trial	10.10(b), 16.06(a)(2)
notice	10.07(b), 11.401, 11.1008, 15.00(b); see JCF DE166, GC211, PeC 1305(a)
objections	11.1704(c)
production of original document	29.05(d)
refiling	10.08(3)(H)
rights	10.15(a)
rules	9.04; see GC 68616
time requirements	10.10(b)
Web site	11.306(e), 11.811(b), 11.1702(a), 11.1804(b), 11.1901(c), 11.1902(d), 11.2003(b), 19.00
Writs	
alternative writs	14.05(a)(4)
generally	7.16, 9.18(12), 10.16, 14.05, 15.01(a); see CRC 303(a)(2), 1436, 1907(b), 2103(b), CCP 1068(b), 1085(b), 1103(b)
habeas corpus	10.16, 13.00(i), 13.02, 14.05, 19.00; see CRC 201(f), 260, JCF MC275
mandate	7.16, 10.16, 14.05, 15.01(a); see CRC 303(a)(2), 347, 1234, 1907(b), 2103(b), CCP 1085 et seq.
peremptory writs	14.05(a)(3)
prohibition	10.16, 14.05(a), 15.02(a)
review/certiorari	10.16, 14.05(a)
see Habeas corpus, Mandamus	